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WALTER OF MERTON.

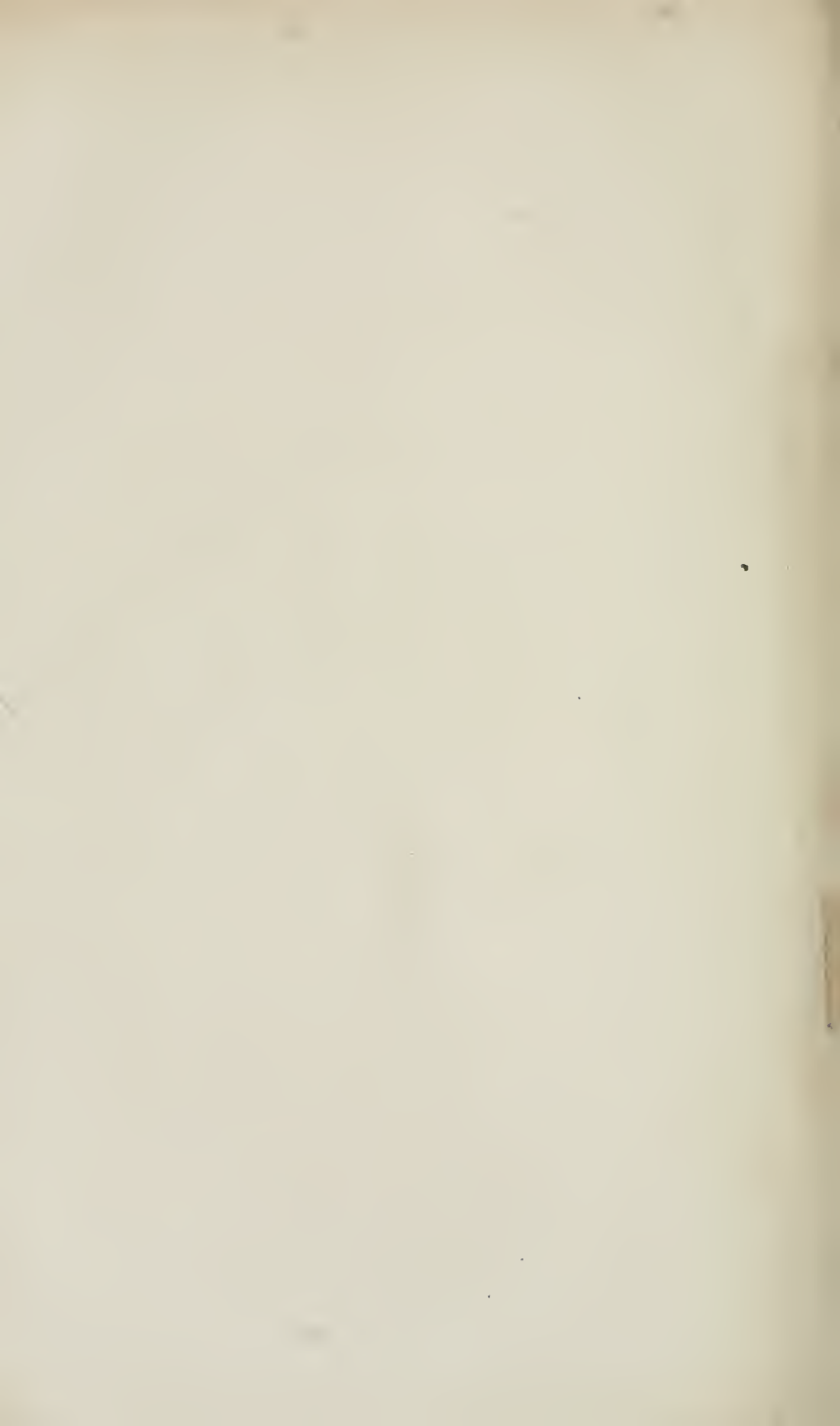
Bishop of Rochester.

LORD CHANCELLOR OF ENGLAND.

Founder of Merton College, Oxford.

A.D. 1267.

C. Grosf, Lith. to Her Majesty



THE
FOUNDATION DOCUMENTS

OF
MERTON COLLEGE, OXFORD.

COLLECTED
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INTRODUCTION.

HOWEVER unfriendly to the interests of literature the wars of the Barons in the thirteenth century might have been, it is no less singular than certain, that when the people began at that time to throw off the trammels which had previously excluded them from participating in most of their legitimate privileges, more was accomplished for the foundation of colleges during the continuance of those civil broils, than had been attempted for several centuries preceding them.

It is well known that Simon de Monfort, the leader of the popular cause in the reign of Henry III., was a patron of literature, and was friendly with the few prelates of that day who advocated the cause of a more intellectual system of education than was then usually considered necessary*. He was an intimate friend of Bishop Grosteste, who spoke in the highest terms of the exertions of Walter de Merton, as appears from the letters of Adam de Marisco still preserved. This is one evidence, among many that might be adduced, to prove that Walter de Merton's foundation of a college at Oxford was considered in a most favourable light by the liberal party of that day, who rejoiced to see their own principles in a fair way of being carried into execution by the very people who alone had the

* See *Chron. Willelmi de Rishanger*, p. 6, and *MS. Cotton. Vitell. C. viii.* The best authority for this is that delightful old chronicler, Matthew Paris.

power to do so efficiently, but who ranked high in the opposite party.

In these early times the Universities did not possess that permanent and fixed character which they afterwards attained. Thus, in one of the earliest notices respecting the University of Oxford, we find that Allen Basset, in the year 1243, gave two hundred marks to the University, committed to the prior and convent of Bicester, for the perpetual exhibition of two scholarships for persons who should study in Oxford, *or in whatever part of England the University should be located*; and the only religious duty mentioned is, that the holders of these exhibitions should pray for the souls of the founder and his wife. It must be remarked, also, as a circumstance particularly worthy of notice, that in this case, although the benefaction was to the University, the exhibition was not invested in it, but in a monastery, as a house of establishment, to support the perpetuity.

Walter de Merton, in like manner, in 1264, established Merton College, ‘for the perpetual maintenance of scholars living in the schools at Oxford, or *elsewhere, wherever the place of study might happen to be efficiently supported* ;’ and then afterwards, in 1274, he ordained that no unexpected translation of them to any other residence should injure their rights or possessions, so long as they adhered to the intention of their institution*.

* The ‘Scholars of Merton College, Oxford,’ had considerable possessions in Cambridge, including Merton Hall, so well known traditionally as Pythagoras’s School, which Walter de Merton purchased of the family of Dunning. For

Walter de Merton acquired the extensive property which enabled him to form his institutions and charities, principally by his own exertions in situations that enabled him to amass considerable riches. His patrimony was probably small, although he was related to the Heriards, persons of considerable note and influence. He was the son of William de Merton, archdeacon of Berks, and Cristina, daughter of Walter Fitz-Oliver, of Basingstoke. They were both buried in the church of St. Michael, of Basingstoke, where the site of their tomb was discovered towards the close of the last century. Merton himself was born, it is said, at Merton, in Surrey, from which place he derived his name. He is said to have been educated in a convent, and was in holy orders in 1237*. Three years afterwards, we find him in possession of a family estate at Basingstoke, as well as of considerable property acquired by purchase. With his manor of St. John, within the royalty of Basingstoke, he founded an excellent hospital, for which he obtained a royal charter in 1262; and, after the institution of Merton College, he had it annexed to that establishment, and it was thenceforth ordained for the support of the sick students of Merton College.

The manors of Maldon and Farleigh constituted the other portion of Walter de Merton's property. He purchased them of William de Wateville and Peter de Cudinton, and, subsequently, he had grant of free

the repair of Merton Hall, the college gave 32*l.* 13*s.* 4*d.*, in 1374. See *Lelandi Collectanea*, tom. ii. p. 440.

* Ingram's *Memorials of Oxford*, vol. i.—Merton College, p. 2.

warren by the king, and confirmation and licence from the chief lord, the original documents of which are given in the following pages. It is particularly worthy of remark, that in these there was a strict exception against assigning them 'to Jews and to religious (or monastic) houses,' a clear proof that the *Domus de Merton* could not have been considered as a monastic foundation, for it was with this property that Merton College was endowed almost immediately after its purchase*.

The incorporation of Merton College, in 1264, was for a number of 'scholars in the schools,' and 'ministers of the altar of Christ, according to the form of the said ordination, dwelling in the manors,' apportioned to the income. In the same year, the manorial churches of Maldon and Farleigh were appropriated to these scholars and the brethren, and they soon after acquired the advowsons of the churches of St. John and St. Peter in the East, both in Oxford. Other advowsons were also given to them soon afterwards, as the reader will readily see from the documents here printed.

It is remarkable that almost all the popular satires of that age exclaimed against the management of ecclesiastical patronage, and that pluralism, in Merton's time, was carried to an alarming extent. John Maunsel, a foreigner, held seven hundred livings, which produced him an income of eighteen thousand

* See the original documents in Kilner's 'Account of Pythagoras's School,' fol. Lond., derived from the archives of the college. Only fifty copies of this valuable work were printed.

marks*; and in the Poems of John Awdeley, the blind poet of Haghmon Monastery, in the fourteenth century, are the following very curious lines, complaining of the University patronage being bestowed on persons of influence, and not on the 'clerkys' of the colleges. They are also a curious evidence of the popular opinion on that subject in the century after Merton College was first founded:—

' Now zif a pore mon set hys son to Oxford to scole,
 Bothe the fader and the moder hyndryd they schal be ;
 And zif ther falle a benefyse, hit schal be zif a fole,
 To a clerke of a kechyn, ore into the chaunceré :
 This makys the worchip of clerkys wrong fore to wry,
 Seth sekeler men schul have mon soules in kepyng,
 And pytton here personache to ferme to a bayle,
 And caston doune here howses and here housyng,
 Here paryschen dystroy :
 Clerkys that han cunyng
 Schuld have monys soule in kepyng,
 Bot thai mai get no vaunsyng,
 Without symony.'†

* *Chronica de Mailros*, p. 239.

† A literal modern version of these curious lines may render them more acceptable to the general reader. The old orthography has been retained in the text, as indicative of the period in which they were written:—

" Now if a poor man set his son to Oxford to school,
 Both the father and the mother hindered they shall be ;
 And if there fall a benefice, it shall be given to a fool,
 To a clerk of the kitchen, or into the Chancery :
 This makes the worship of learned men wrongly proceed,
 When secular men should have men's souls in keeping,
 And put their parsonage to farm to a bailiff,
 And cast down their houses and their living,
 Their parishes destroy :
 Learned men that have knowledge
 Should have men's souls in keeping,
 But they may get no advantage,
 Without symony.

The original MS. is in the Bodleian Library, MS. Douce, No. 302.

In 1264 Merton gave statutes to his house*; and this fact (for they are preserved in the archives of the college) certainly proves that the Oxford foundation virtually began earlier than is generally supposed. Huber† thinks that he ‘opened’ his house at Oxford in 1265; but this writer probably relied on Wood’s statement that Merton, in that year, obtained some vacant ground in the city, from the convent at Reading, for the purpose of building a college. The new building was certainly not finished before 1266, and in the following year we find Merton giving a new code of statutes to the college, nearly agreeing with those of 1274, which will be found in the text. It appears, also, from MS. Tanner, 339, that another new code of statutes was drawn up in 1270, thus making four codes in the short space of ten years. These have been subsequently modified by the Ordinances of Archbishops Peckham, Chichely, Parkes, and Laud; they have also been altered by various visitations, as well as by the Act of Uniformity. The Ordinances of Archbishop Laud bear date in 1640, and several MS. copies of them may be found in the public libraries. In modern times, the customs and rules of the University, as well as those of the College itself, have, in various instances, beneficially superseded the original statutes of the founder.‡

* This code is no doubt that alluded to in the charter of 1264, ‘Sub conditione et modo subscriptis.’

† Huber’s English Universities, vol. i. p. 190 (Pickering). I may here mention, that much of the evidence of the facts stated in the text may be found in MS. Tanner, 339, in the Bodleian Library.

‡ It is worthy of remark, that the founder orders the students to converse in

The Statutes which Merton gave to the college are dated 1274, and a very curious document they are in the history of our Universities, for they formed the general model on which the Statutes of Peterhouse, the oldest college at Cambridge, were framed. The Merton code is for the first time printed in the following pages, and it was, in all probability, admirably suited for the 13th century, in which it appeared*. So much, indeed, was this college and its government esteemed, that Henry VI., in a charter dated 1444, calls it, 'that college, whose holy statutes, customs, and maintenance of the fellows, are considered pre-eminent in the other colleges afterwards founded in both our Universities.'

Settled, however, as, by the Royal charters, the foundation might seem to be, Merton, in furtherance of the establishment, and agreeably to what had been done in monasteries, had it confirmed both by the metropolitan and diocesan in 1276; and through the first of them, as his appointed patron of it, he had just before, in the same year, sent down a nomination of a subwarden, 'one who was the senior;' of three bursars, or the three, as before in the statutes 'to be appointed,' and here 'deputed to receive the rents and profits of the lands of the said house;' and

Latin. See the 11th chapter of the Statutes. In the Statutes of Oriel and Exeter, given about 1330, the scholars or fellows are ordered "to converse in Latin, or at least in French." See *Annales de Trokelowe*, p. 298.

* Copies of the code 1274 are preserved in the British Museum, Bodleian Library, Durham Cathedral, and Lambeth Palace. I am not aware that any copy of the earlier statutes is to be found out of the college archives. It would be curious to compare them with the later ones.

of three deans, as now so called, but denominated by the founder, 'those who ought to preside over twenty or some other number of members.' He also sent the orders for the keeping of the muniments and the common seal, with other regulations; and when he died in the next year, 1277, he further benefited his college, in his will, by very large effects left to it to be realized, &c., for the securing and bettering its state, and for augmenting the number of those belonging to it: all of which effects were well and duly accounted for, by his executors in 1282.

Little is known of the personal history of Walter de Merton. Nor, indeed, do we find ample biographies of any of his contemporaries. He was probably intimate with Roger Bacon and John Holywood, both of whom, it is said, were among the earliest members of Merton College. In the Savilian Library is preserved a most curious relic, hitherto unnoticed, which appears to confirm part of this tradition. It is no less than a MS. copy of Bacon's treatise '*De Speciebus*,' certainly contemporary with the author, perhaps in his own handwriting, with the following inscription:—

'LIBER DOMUS SCOLARIUM DE MERTON IN OXONIA.'

From its foundation to the fifteenth century, we find that the *élite* of English science were educated at Merton College; and many of the manuscripts written by its members are still preserved in the Digby Collection, in the Bodleian Library. Fuller quaintly

remarks, speaking of this college, ‘I never did spring such a covey of mathematicians all at once, as I met with at this time.’

Merton, at an early period of his life, held two stalls in the prebendal church of St. Paul’s, at London. In 1249 he was a prebend in Exeter Cathedral, and, according to Browne Willis, was vicar of Potton, in Bedfordshire, at the time of his promotion to the see of Rochester. According to other authorities, he was first canon of Salisbury, and afterwards rector of Stratton. It is very probable that he held all these preferments. He united the legal with the clerical profession, according to the custom of his age, and was eminent in the Court of Chancery, at Westminster Hall; after passing through the subordinate offices of King’s clerk and prothonotary, he was advanced, in 1260, to the distinguished post of Chancellor of England; but he was deprived of this honour, in the same year, through the influence of the rebellious barons, to whose ambitious attempts he had been unfriendly. In 1261, he was restored to the chancellorship, with a salary of four hundred marks, and he continued in this office for three years.

On the accession of Edward I., in 1272, he was again Chancellor; and in 1274 he was appointed Bishop of Rochester, when he resigned the seals in favour of Robert Burnell, Bishop of Bath and Wells*. He appears to have been of high credit in affairs of state, and was consulted on all matters of importance. His death was hastened by a fall from his horse, when

* Ingram’s Memorials of Oxford, vol. i.—Merton College, p. 4.

fording a river in his diocese; and he shortly afterwards died, October 27th, 1277. He was interred on the north side of Rochester Cathedral, with a marble monument, which was replaced by a new one, in 1598, at the expense of the College. His will, printed in the following pages, will furnish all the other particulars that are known.

It ought to be mentioned, that, according to Wood, Merton first founded a college at Maldon, as a nursery for that of Oxford; that at a certain age the scholars were removed from Maldon to Oxford, where the founder provided a house for them on the site of the present college, and that the whole establishment was not removed from Maldon to Oxford till 1274. But this is scarcely correct, or, if it be correct, it is not the whole of the matter. The establishment at Maldon must have been founded before 1264, for Merton expressly mentions it in the first chapter of his Statutes, as the seat of his foundation ‘before the disturbances which had recently arisen in England;’ and the Maldon institution was probably transferred to Oxford in 1264, or soon afterwards, for in the charter of 1270, it is only mentioned as a manor, and not as a college. Merton’s original intention appears to have been to have established a religious or monastic house at Maldon, consisting of a warden and priests, who were to appropriate certain funds, with which he intrusted them, to the maintenance and education of twenty scholars at Oxford and elsewhere; and it is probable that, when he founded Merton College, he enlarged his views, and brought the members of the Maldon foundation thither to

govern the students, and give the establishment the advantage of a connexion with the university of Oxford.

The Dean of Ely, in his valuable observations on the Statutes of the University of Cambridge (p. 109), remarks, that the original statutes of Peter House, Cambridge, were expressly adapted by Montague, Bishop of Ely, to those of Merton College, Oxford, and that a sisterly intercourse was directed to be maintained between these two colleges.

The statutes of Peter House, continues the Dean, 'were very brief, simple, and general, in their enactments, presenting a very remarkable contrast to many of the later codes of statutes, which attempted to regulate and control nearly every transaction of life, and which embodied nearly every enactment which the experience of other and more ancient bodies had shown to be sometimes required.'

The following collection of documents has been prepared for the press, at the request of Mr. James Heywood, F.R.S., of Trinity College, Cambridge, who has furnished the Editor of this work with many valuable particulars, and has expressed a wish that the following passage from the 'Advancement of Learning,' by Lord Bacon, on the ancient dedication of colleges to professional purposes, may be here inserted.

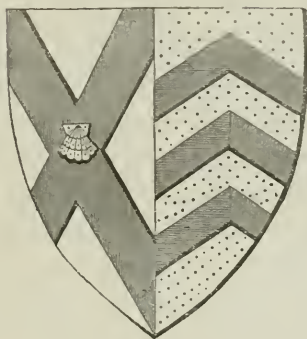
'First, therefore, among so many great foundations of colleges in Europe, I find it strange that they are all dedicated to professions, and none left free to arts

and sciences at large. For if men judge that learning should be referred to action, they judge well; but in this they fall into the error described in the ancient fable, in which the other parts of the body did suppose the stomach had been idle, because it neither performed the office of motion, as the limbs do, nor of sense, as the head doth; but yet, notwithstanding, it is the stomach that digesteth and distributeth to all the rest: so if any man think philosophy and universality to be idle studies, he doth not consider that all professions are from thence served and supplied. And this I take to be a great cause that hath hindered the progression of learning, because these fundamental knowledges have been studied but in passage. For if you will have a tree bear more fruit than it hath used to do, it is not anything you can do to the boughs, but it is the stirring of the earth, and putting new mould about the roots, that must work it. Neither is it to be forgotten, that this dedicating of foundations and donations to professory learning hath not only had a malign aspect and influence upon the growth of sciences, but hath also been prejudicial to states and governments. From hence it proceedeth that princes find a solitude in regard of able men to serve them in causes of state, because there is no education collegiate which is free; where such as were so disposed might give themselves to histories, modern languages, books of policy and civil discourse, and other the like enablements unto service of estate.'

EARLY CHARTERS

FOR

MERTON COLLEGE, OXFORD.



Licence of RICHARD DE CLARE, Earl of Gloucester, to
WALTER DE MERTON, to give and assign his estates of
endowment in Surrey to found a College, May 7,
1262.

[From Kilner's Account of Pythagoras's School, p. 51, printed from
the original in the Archives of Merton College.]

RICARDUS DE CLARE, Comes Gloucestriæ et Hertfordiæ,
omnibus sanctæ matris ecclesiæ filiis, ad quos præsens
scriptum pervenerit, salutem in Domino. Sciatis nos pro
salute animæ nostræ, et animarum antecessorum et hære-
dum nostrorum, ad honorem omnipotentis Dei, et aug-
mentum cultus divini, concessisse, pro nobis et hæredibus
nostris, dilecto et speciali nostro domino Waltero de Mer-
ton*, quod ipse ad perpetuam sustentationem clericorum in
scolis degentium, et se studio in eisdem salubriter appli-
cantium, quos in domo Domini, veluti columnas et fulci-
menta, speramus Domino largiente profuturos, maneria sua

* Walter de Merton was himself at this time Chancellor.

de Farleye et Maldon cum membro de Chissendone et cum omnibus aliis pertinentiis eorundem maneriorum, quæ sunt de feodo nostro, dare possit, assignare, seu legare, quando-cumque et quocumque statu sui corporis fuerit, domui de Merton *, aut alteri domui religiosæ, quæ ad sustentationem clericorum prædictorum in studio degentium, perpetuo teneatur, secundum ordinationem et provisionem ejusdem domini Walteri, necnon et conditionem quam ipse super hoc duxerit statuendam. Hanc etiam elemosinam salubrem ac Deo sperantes placabilem, sub nostra volumus defensione et conservatione permanere, ipsamque nostris hæredibus ad eorum salutem, et sub merito conservationis illius honoris quem nostris et predecessorum nostrorum sudoribus adquisitum jure successionis transferimus, ad eosdem servandam commendamus, et suæ protectionis ac defensionis clipeo perpetuo contuendam. Qui etiam supra ipsos ad quos dicta maneria ex ordinatione supradicta devenerint, liberam et plenam habeant potestatem ipsos compellendi per potestatem secularem ad observationem ordinationis prædictæ et exhibitionis sustentationis memoratæ. Et ad perpetuam hujus rei securitatem præsentī scripto sigillum nostrum duximus apponendum. Hiis testibus venerabilibus patribus E. Sar. W. Exon. S. Norwicen. episcopis, dominis Philippo Basset Justiciario Angliæ, Roberto Walerand Senescallo domini regis, Willelmo de Wilton, Gilberto de Preston, et Johanne de Wivill justiciariis, Johanne de Breuse, Galfrido de Fanancurt, Nicholao de Mauling, Waltero de Kinardel, Magistris Johanne de Sethevill et Galfrido de Hispal. Datum Londoniæ in crastino Sancti Johannis ante Portam Latinam, anno Domini millesimo ducentesimo sexagesimo secundo.

* This title is given to Maldon College, as the institution did not remove to Oxford till afterwards, as appears from the monumental inscription in Rochester Cathedral. According to Kilner (p. 54), the true date of removal is 1267, confirmed by the charter of 1270.

EXTRACTS

FROM THE STATUTES OF 1264.

[From MS. Tanner, 339. It appears from several places in this manuscript that the founder gave four distinct sets of Statutes to Merton College, dated respectively in the years 1264, 1267, 1270, and 1274, copies of which are probably in the Archives of the College. Of these, the statutes of 1267 and 1274 are said to be nearly the same. The following extracts are all that the Editor has been able to discover.]

1. Alii libere subrogentur, qui per scholares prædictos sub debito fidelitatis suæ nominabuntur, et si forte in hujusmodi nominatione minime concordare inveniantur, tunc Cancellarius, &c. aut custos dictæ domus, si Cancellarius, &c. id infra mensem efficere non curaverint, illos ad dictam sustentationem admitti decernant, quos per sex vel septem de provectioribus, et discretioribus scholarium ipsorum, sub debito juramenti corundem, honestiores intellexerint et habiliores.

2. Quod si eorum aliqui minus breve et honeste se habuerint, et de hoc per suos socios sufficienter constare possit, subtrahatur iis sustentatio, &c.

MERTON'S CHARTER. 1264.

[From the College Archives, Kilner, p. 61.]

Omnibus Cristi fidelibus ad quos præsens scriptum pervenerit: Walterus de Merton, illustris domini H. regis Angliæ quondam cancellarius, eternam in Domino salutem. Ad omnium vestrum notitiam volo pervenire, quod ego tam auctoritate michi a præfato domino meo rege attributa, necnon potestate michi a capitalibus dominis feodi concessa, quam ratione juris quod michi competit in meis maneriis de Maldon, Chessendone [a member of Maldon], Farle, assign-

navi, dimisi, et concessi prædicta maneria cum omnibus pertinentiis eorundem, ad sustentationem Johannis de la Clythe, &c. in scholis degentium, secundum ordinationem inde per me factam, necnon a præfato domino rege, et domino I. Wintoniens. episcopo, loci diocesano, et ejus capitulo, approbatam. The said scholars as then named, and others after named or admitted, being, and to be, invested for life, cum pleno dominio maneriorum prædictorum, &c., but still on conditions, as in the said ordinance, and which was to be corrected, altered, and amended, at his good pleasure. And he further retains to himself all such occasional use of the manor-houses, and accommodation for himself and family, in those places, as may consist with the support of the scholars in scholis degentium, et ministrorum altaris Christi secundum formam dictæ ordinationis commorantium in maneriis prædictis, necnon et custodis dictis scolaribus pro conservatione sustentationis predictæ et rerum ac possessionum suarum deputati, seu deinceps etiam deputandi. And then concludes with *In hujus autem rei testimonium, &c.*, sealed and attested, but without any date.

Licence of GILBERT DE CLARE, Earl of Gloucester, to WALTER DE MERTON, to give and assign his estates of endowment in Surrey to found a College, September 9th, 1264.

[From Kilner's Account of Pythagoras's School, p. 51, printed from the original in the archives of Merton College.]

GILBERTUS DE CLARE*, Comes Gloucestriæ et Hertfordiæ, omnibus Christi fidelibus ad quos præsens scriptum per-

* It may be mentioned that the manors of Maldon and Farleigh were, at the time of the Conqueror's survey, part of the possessions of Richard Fitz-Gilbert, surnamed Richard de Tonebridge, Earl of Clare; and at the time of Walter de Merton's possession of them they were held as of the honour of Clare, and of the then earls of that name. They were together rated at three knights' fees; Maldon at two knights', and Farleigh at one.

venerit, salutem in Domino. Pia fidelium vota, piis opibus et auxiliis prosequi cupientes, ac venerabilis progenitoris nostri domini Ricardi quondam Comitis Gloucestriæ et Hertfordiæ vestigiis inhærentes, concedimus dilecto et familiari nostro domino Waltero de Merton, ut ipse maneria sua de Meaudon et de Farlegh cum membris et pertinentiis eorundem, in quocunque statu sui corporis et quandocunque voluerit, assignare et inde ordinare possit, prout expedire viderit, ad perpetuam sustentationem scholarium in scholis degentium, secundum conditiones circa ipsos per eum ordinandas, aut jam provisas, seu plenius providendas. Hanc etiam elemosinam pro anima dicti progenitoris nostri et nostra, necnon et antecessorum et hæredum nostrorum, sub nostra conservatione et defensione suscepimus, et eam defensioni et conservationi hæredum nostrorum tanquam salubrem et Deo placentem specialiter commendamus. Hiis testibus dominis Willelmo de Burgo, Willelmo de Apelderfeud, Roberto de Monteny, et Ricardo de la More militibus, magistro Galfrido de Aspale, Nicholao de Leuknor, Laurentio clerico et aliis. Datum apud Icham die Martis in crastino Nativitatis Beatæ Mariæ, anno regni domini Henrici regis filii regis Johannis quadragesimo octavo.

CHARTER OF FOUNDATION. A.D. 1264.

[From the Charter Roll of 48 Hen. III. m. 2.]

In nomine Dei omnipotentis, Patris, et Filii, et Spiritus Sancti, etc. Ego Walterus de Merton, illustris domini Henrici Regis Angliæ, filii Regis Johannis, quondam cancellarius, tam auctoritate mihi a dicto domino meo rege concessa, quam ratione juris et potestatis quæ mihi in meis maneriis de Maudon et de Farlee, cum eorum pertinentiis competunt, do, assigno, et concedo, maneria ipsa cum omnibus pertinentiis quocunque nomine censi possint, ad foundationem domus, quam dici volo et nuncupari Domum

Scholarium de Merton; quam et ego, in profectum ecclesiæ sanctæ Dei, pro salute animæ domini mei regis prædicti, et animarum Nicholai quondam Dunelmensis episcopi, Ricardi quondam comitis Gloucestræ et Hertfordiæ, Gilberti filii ejus, Willelmi de Whatevill, et Petri de Cudinton, necnon parentum et benefactorum meorum omnium, auctoritate venerabilis patris Johannis Wintoniensis episcopi, loci diocesani, interveniente, necnon et consensu capituli sui, in dicto manerio de Maudon statuo, fundo, et stabilio, ad perpetuam sustentationem viginti scholarium in scolis degentium, Oxoniæ, vel alibi ubi studium vigere contigerit, et ad sustentationem duorum vel trium ministrorum altaris Christi in dicta domo residentium, sub conditione et modo subscriptis, tam circa scholares quam ministros prædictos, Domino largiente, in posterum observandis.

Ad memoriam hujus rei sempiternam, et ut hæc ordinatio et provisio salubre robur obtineant perpetuæ firmitatis, sigilla prædictorum domini Henrici regis, et domini Johannis Wintoniensis episcopi, necnon et capituli sui, in sui consensus et approbationis suæ testimonium, præsentibus, una cum sigillo meo, apponi procuravi. Actum anno Domini millesimo ducentesimo sexagesimo quarto.

Charter of the Prior and Convent of Merton, granting the Church and Advowson of Maldon, co. Surrey, to Merton College, September 22nd, 1265.

[From Kilner's Account of Pythagoras's School, p. 64, printed from the original in the Archives of Merton College.]

Omnibus ad quos præsens scriptum pervenerit, Gilebertus prior de Mertona et ejusdem loci conventus, eternam in Domino salutem. Noveritis nos, ad instantiam dilecti clerici fidelis ac familiaris nostri Walteri de Merton, remisisse et quietum clamasse Domui scholarium de Mertona, quam idem dominus Walterus in manerio suo de Maudone. ad

perpetuam sustentationem scholarium in scolis degentium et ministrorum altaris Christi in ipsa domo commorantium, pia consideratione fundavit, necnon custodi dictæ domus et scolaribus ac ministris ejusdem, quicquid juris habere potuimus, seu nos habere dicebamus, in advocatione ecclesiæ de Maudone. Et volumus et concedimus, quod ipsi dictam advocationem cum omnibus pertinentiis suis, necnon ecclesiam ipsam, quantum in nobis est, suis usibus, prout a venerabili patre domino J. Winton. episcopo, de consilio et consensu capituli sui, ordinata est et concessa, sine impedimento nostri, integre ac pacifice, habeant et teneant in perpetuum. Salvis nobis, &c. [*all other their rights in the parish.*] In cujus rei testimonium præsentī scripto sigillum nostrum conventuale apposuimus. Datum decimo calendis Septembris, anno Domini millesimo ducentesimo sexagesimo quinto.

Endowments of Merton College from A.D. 1266 to A.D. 1270.

[From Kilner's Account of Pythagoras's School, p. 73.]

Maneria mea subscripta, videlicet—manerium de Stillenton inter Thynam et Thelam cum pertinentiis [acquired by the college before 2 Dec. 1269.]: duas carucatas terræ cum pertinentiis in Seton infra aquas predictas [acquired 24 April, 1268.]: maneria mea de Cukesham, Ybbestan, et Chedindon, in comitatibus Oxon. et Buk. [with the advowsons of their churches appendant: but the college presentation to Chedindon in 1297 was litigated, and never after repeated. Cuxham acquired between 23 Jul. et Octab. Purif. the other two about Mic. 1270.]; tres carucatas terræ cum pertinentiis in Gameleggeya, in com. Cantabr. [acquired with advowson appendant 8 Jul. 1268. M. Church appropri. to this college, by Hugh de Balsham, as diocesan, 18 Oct. 1268, and who otherwise respected this college, in his after foundations of 1280, and 1284. Courts are now

kept in this, and in their other manor in Gamlingay, of a later acquisition.] una cum terris et redditibus quondam Ricardi Dunning et Willelmi de Mannefeld, quos ipsi in Cantabr. et partibus adjacentibus mihi nuper dimiserunt [acquired mense Martii 1269-70. Courts now kept in Merton hall and other manors thereabout]: duas carucatas terræ cum pertinentiis in Leddrede, in com. Surr. [acquired with Gamlingay as above. Courts held here], et manerium meum de Kybbeworth, in com. Leycestr. eisdem assignavi. [conveyed to the founder 23 Oct. 1269. and acquired by the college 1270, as in this charter. The advowson of the church acquired but in 1771.] una cum advocationibus ecclesiarum de Puntelond, Dunelm. dioceseos, et portionum suarum [acquired 24 Martii 1267-8, not appropri. till about Easter 1268], de Dodinton et de Horsepath, Lincoln. dioceseos [the first acquired 20 Jul. the other 26 Jul. 1268, and both together appropri. 11 Mar. following. Horsepath very early lost.], ecclesiæ de Wollewarde [acquired 11 Oct. 1266. appropri. kl. Jun. 1268.] et ecclesiæ de Lappeworthe, de Wigorn. dioc. [acq. 7. Jul. 1269.] et ecclesiæ de Stratton, Sar. dioces. [acquired 1269. appropri. 26 Oct. 1270.] et aliarum quarundam, quæ contemplatione mei rogatus, a præfato domino rege Angliæ, et domino Edvardo, primogenito suo, ac aliis nobilibus et amicis meis, sibi sunt caritative concessa. Each of the royal family, from a kind and friendly regard to the founder and foundation, bestowing an advowson of very considerable value upon it: the king (Henr. III.) that of St. Peter's in the East, Oxon. with the manor of Holywell and courts, &c. belonging [granted 7 Sept. 1266, and appropriated, with the church of St. John Bapt. de Merton, 13 Sept. 1266.]; his eldest son, prince Edward, that of the church of Elam, in the diocese of Canterbury [granted 7 Sept. 1266. appropri. 20 April 1268.]; his younger son, Edmund earl of Lancaster, subsequently in 1274-5, that of

the church of Emildon, in the diocese of Durham [not appropriated till 1331.]; and the king's brother, Richard king of the Romans, the advowson of the church of Horsepath, as above, and which seems to have been very early lost. [The seals of all of them, as to these grants affixed, are depicted in Sandford's Genealogical History.]

Grant from Henry III. to Merton College, to make a Canal from the river Cherwell, Sept. 3rd, 1267.

[From the Patent Roll of 51 Hen. III., preserved in the Tower of London, collated with an early copy in a MS. in the Hunterian Museum at Glasgow. This document is not given by Kilner.]

Rex omnibus &c. salutem. Sciatis nos, de assensu et voluntate custodis et fratrum hospitalis nostri sancti Johannis extra portam orientalem Oxoniæ, concessisse et liberam facultatem dedisse Custodi et scholaribus domus scolarium de Merton Oxoniæ in studio commorantibus, ut ex aqua de Charewelle per aream Capellæ Sanctæ Crucis, cujus advocacionem eisdem scholaribus una cum advocacione Matricis Ecclesiæ nuper contulimus, vel subtus aream prædictam, prout sibi viderint expedire, extrahere possint unum rivulum competentem, transeuntem per medium hospitalis nostri prædicti, et sic transeundo magnam stratam extra portam prædictam ex transverso usque ad fundum hospitalis prædicti versus austrum, et sic per fundum et fossata juxta bertonam Prioris Sanctæ Fridheswith usque ad murum prædictæ villæ nostræ Oxoniæ, et deinceps juxta murum versus locum scholarium prædictorum. Ita quod ex opposito fundi sui aquam illam sub muro prædicto, per gutteram prædictam et securam ad placiā suā infra murum, ad emundationes curiæ suæ et aisiamenta sua inde habenda, sine impedimento ducere possint; et exinde excat aqua prædicta extra murum in consimili guttera ad fossatum, quod ducit versus domum prioris supradicti. Et volumus

et concedimus ut rivulum prædictum, sicut prædictum est, ducere possint, quando expedire viderint, et se facultas eisdem ad hoc optulerit; ita quod ex mora temporis sibi super hoc prejudicium generari non possit, et ita ut fratres hospitalis nostri prædicti aisiamenta sua rationabiliter in curia sua habere possint ex rivulo supradicto. Concessimus etiam eisdem scholaribus, ut a fossato villæ nostræ prædictæ ab aquilonari seu australi parte portæ Orientalis ejusdem villæ, prout sibi expedire viderint, habere possint aquæ ductum per canales per murum prædictum usque ad curiam suam, sine omni dangerio vel impedimento, in perpetuum. Ita tamen quod hæc supradicta fiant sine damno vel detrimento villæ nostræ prædictæ. In cujus &c. teste Rege apud Salop. tertio die Septembris.

Grant of the Church of Elham to Merton College,
May 21st, 1268.

[From Kilner's Account of Pythagoras's School, p. 69.]

Universis ad quos præsens scriptum pervenerit, Bonifacius Dei gratia Cantuariensis archiepiscopus, eternam in Domino salutem. Illustris Anglorum regis primogenitus cultum Dei zelans dominus Edwardus, ad ampliacionem operis piæ ductus, quod dilectus filius, dominus Walterus de Merton, ejusdem domini regis quondam cancellarius, ad perpetuam sustentationem scholarium in scholis degentium, salubri concilio censuit providendum, jus patronatus quod habebat in ecclesia de Eleham nostræ diocesis, Domui, quæ scholarium de Merton nuncupatur &c. contulit. Supernæ intuitu pietatis, desiderium habens præcipuum, [*that for the better support of the said house, and increase of its members, the said church should be appropriated to them; and as it hereupon was, in form following, appropriated.*] Nos igitur præcipuum et pium dicti domini regis primogeniti attendentes affectum, necnon fructum pensantes quem per Dei

misericordiam ex opere tam laudabili in Dei ecclesia et cultu Christianæ religionis speramus et credimus perpetuis temporibus profuturum, prædictam ecclesiam de Eleham dictis scholaribus &c., in nomine sanctæ et individuae Trinitatis, ordinamus, damus, et assignamus, eorum usibus propriis, una cum omniis pertinentiis et juribus suis, quando-cunque eam vacare contigerit, perpetuo possidendam, &c. Salva rationabili vicaria triginta marcarum per nos ordinanda in eadem: [*with a proper vicar, as nominated by the archbishop on every vacancy, to be, within forty days from the time of the nomination, presented to him for institution; and every vicar, so presented, to be sworn faithfully to maintain the rights of the college.*] Datum xij. kalendis Maii, anno Domini millesimo ducentesimo sexagesimo octavo*.

Walter de Merton's Receipt for the preceding Deed of
Appropriation, June 2nd, 1268.

[From the Canterbury Cartulary, MS. Tanner, fol. 97.]

Omnibus ad quos præsens scriptum pervenerit, Walterus de Merton, illustris domini Henrici regis Angliæ quondam cancellarius, eternam in Domino salutem. Noveritis me recepisse cartam venerabilis patris Bonifacii Cantuariensis archiepiscopi, totius Angliæ primatis, in hæc verba: [*The whole deed is here given.*] Et in hujus rei testimonium, ego præfatus Walterus præsentī scripto sigillum meum duxi apponendum. Datum Londoniæ secundo die Junii anno gratiæ supradicto. [1268.]

Grant of Manors to Merton College, 8th July, 1268.

[From the College Archives, Kilner, p. 72.]

In dorso. *Carta Domini W. de Merton de Maneriis de Maldon, Farleye, Leddrede et Gamelegeye.*

Omnibus ad quos præsens scriptum pervenerit, Walterus

* The confirmation of this grant by the Prior and Chapter is dated on May 26th, on inspeximus and recital of the foregoing deed of the Archbishop. Besides these, Kilner mentions several other exemplifications and attestations of this charter in the College archives.

de Merton, illustris domini H. regis Angliæ quondam cancellarius, eternam in Domino salutem. Sciatis me ratam habere et firmam, pro me et hæredibus meis, donationem, et assignationem, quam, tempore turbationis nuper in regno Angliæ subortæ, feci de maneriis meis de Meaudon et de Farlegh, in comitatu Surr. cum pertinent. ad foundationem Domus Scolarium de Merton, quam ego, ad perpetuam sustentationem scolarium in scolis degentium, et ministrorum altaris Christi in dicta domo commorantium, in prædicto manerio de Meaudon fundavi et stabilivi. Et volo et concedo, pro me & hæredibus meis, quod prædicti scolares et fratres prædicta maneria habeant et teneant, bene et in pace, cum omnibus ad ea spectantibus, non obstante quod eis donatio vel assignatio prædicta per me sibi facta fuit, tempore guerræ. Sed habeant et teneant maneria prædicta cum suis pertinentiis in perpetuum, tanquam ea quæ sibi, præsentī tempore pacis, concedo, et quæ, secundum formam supradictæ donationis, sibi remanere volo in perpetuum. Salvis michi, ad totam vitam meam, aysiamētis domorum, &c. Terram etiam meam in Leddrede, &c. Terram etiam meam in Gamelegeye, &c. Ordinationem autem dictæ domus, tam circa scolares et fratres, quam custodem eorundem, et alia dictam domum contingentia, cum potestate augendi, mutandi, et corrigendi, michi retineo, ad totam vitam meam. Et, ad plenam rei hujus securitatem, præsentī scripto sigillum meum est appensum. Hiis testibus (7 by name and title) et aliis. Dat. apud Wudestok. octavo die Iulii, anno regni præfati domini regis, quinquagesimo secundo. [1268.]

A final concord for these estates (as for others after them) is thus concluded. Et idem custos recepit prædictum Walterum et hæredes suos in singulis beneficiis et orationibus, quæ de cætero fient in prædicta domo, in perpetuum. And in Gamlingay evidences he is said to have given 300 marks of silver for his title to it.

EXTRACTS

FROM THE STATUTES OF 1270.

[From MS. Tanner, 339.]

1. Alii loco ipsorum libere subrogentur, qui per scholares supradictos sub debito fidelitatis suæ nominabuntur, prout eos habiles intellexerint et honestos. Et si forte in hujusmodi nominatione minime concordēs inveniantur, tunc custos dictæ domus de consilio cancellarii et procuratoris Universitatis, ubi eos agere contigerit, aut alterius ipsorum, si requisiti interesse noluerint, illos ad dictam sustentationem admittat, quos per septem vel octo ex iis, qui in ipsa societate diutius steterint, et conditiones eorum qui substituendi, seu ad hoc admittendi, fuerint melius noverint, sub debito juramenti sui, honestiores de prænotatis intellexerint et habiliores. Quod si forte præfati cancellarius et procurator super hoc requisiti intra quindenam interesse noluerint, tunc custos supradictus illud, non expectato quovis altero, licenter in forma prædicta expleat.

2. Quod si perpetraverint, et inde per decem vel duodecim de societate prædicta, qui in eadem diutius steterint, juratos, si opus est, et per custodem dictæ domus examinatos constiterit, subtrahatur iis sustentatis, &c., continuo a societate illa expellantur.

Confirmation of the Grants to Merton College made by
Walter de Merton after the wars of the Barons, 1270.

[From Kilner's Account of Pythagoras's School, p. 72.]

Nomine sanctæ et individuæ Trinitatis, Patris, et Filii, et Spiritus Sancti, Amen. Ego Walterus de Merton, illustris domini Henrici regis Angliæ quondam cancellarius, ecclesiæ sacrosanctæ profectum, ex meis laboribus, augere cupiens

et exoptans, donationem, quam, de meis maneriis de Maldon et de Farlegh cum pertinentiis suis, temporeurbationis in regno Angliæ subortæ, nuper ad fundationem Domus, quam scolarium de Merton dici et nuncupari volo, feci, quam et ego ad perpetuam scolarium in scolis degentium Oxoniæ, vel alibi ubi studium vigere contigerit, et ad sustentationem trium vel quatuor ministrorum altaris Christi in ipsa residentium, fundavi et stabilivi; ad majorem et perpetuam rei securitatem, nunc, tempore pacis, ratifico et confirmo. Ipsamque Domum, pro salute animæ meæ, et animarum præfati domini regis Angliæ, Ricardi regis Romanorum fratris sui, et antecessorum et hæredum suorum, necnon parentum et benefactorum meorum omnium, sub præsentium testimonio, auctoritate et consensu illustris domini regis Angliæ prædicti, ex habundanti fundo et stabilio. Adjiciens etiam dictæ Domui, scolariis, ministris, et fratribus ejusdem, ad ampliationem numeri scolarium ipsorum, et sustentationem ministrorum prædictorum, necnon fratrum seu yconomorum, eorum utilitatibus et officiis immorantium, terras, possessiones, et bona tam secularia, quam ecclesiastica, tenore præsentium, inferius annotata: quæ omnia, sive laboribus meis quibuscunque, seu gratia benefactorum meorum, alias acquisita, eis scolariis et fratribus remanere volo, sub forma et conditionibus subscriptis, tam circa personas, quam circa regulam eorundem, perpetuo, annuente Domino, in posterum observandis. Ad horum antem omnium memoriam et securitatem sempiternam, sigillum præfati domini regis Angliæ, in sui consensus et approbationis testimonio, una cum sigillo meo præsentipaginæ est appensum. Datum anno Domini millesimo ducentesimo septuagesimo.

STATUTES
OF
WALTER DE MERTON.

A.D. 1274.

[From the Harleian MSS., Brit. Mus., No. 7032, collated with a copy
in MS. Tanner, 339.]

IN nomine gloriosissimæ et individuæ Trinitatis, Patris, Filii et Spiritus Sancti, Amen. Ego Walterus de Merton, clericus, illustris Domini Regis Angliæ quondam cancellarius, de summi rerum et bonorum opificis bonitate confisus, ejusdem gratiæ, qui vota hominum pro sua voluntate ad bonum disponit et dirigit, fidenter innisus, animique revolutione sæpe sollicitus, si quid sui nominis honori retribuam, pro hiis quæ in hac vita mihi habuntanter retribuit, domum quam Scholarium de Merton intitulari seu nuncupari volui et mandavi, etiam quam, in meo solo proprio, meis laboribus acquisito, ædificavi, videlicet apud Maldon in comitatu Surreyæ, ad perpetuam sustentationem scholarium in scholis degentium, pro salute animæ meæ, et animarum Domini Henrici, quondam Regis Angliæ, necnon et germani sui Ricardi, Romanorum Regis inclyti, et antecessorum et hæredum suorum, ac parentum et benefactorum meorum omnium, ad honorem et gloriam Altissimi, ante turbationem in Anglia nuper subortam fundavi et stabilivi; nunc, pace Angliæ reformata, ac pristina turbatione sedata, animi stabilitate perpetua approbo, stabilio, et confirmo, locumque sibi habitationis et domum Oxoniæ, ubi Universitas viget studentium, in meo territorio proprio ecclesiæ Sancti Johannis contermino, concedo et assigno: quam siquidem domum Scholarium de Merton nuncupari volo, atque in ea scholares perpetuo moraturos esse decerno. Cui siquidem domui seu scholaribus in eadem, Altissimo concedentē, in perpetuum moraturis, maneria mea de Maldon et Farleghe, cum suis pertinentiis, quæ pro ipsorum scholarium

et ministrorum altaris, qui in ea residentes erunt, sustentatione perpetua, tempore dictæ turbationis, contuli; etiam in præsentî pace regni reformata concedo, ipsamque collationem spontanea et libera voluntate approbo, ac deliberato iudicio ratifico et confirmo. Quæ etiam maneria, dictis scholaribus, una cum aliis per me sibi acquisitis et acquirendis, apud eosdem scholares et fratres perpetuo permanere decerno, sub forma et conditionibus infra scriptis, tam circa personas quam circa regulas eorundem, annuente Domino, futuris temporibus jugiter observandis.

CAP. 2. De scholaribus in domo degentibus.

Hanc igitur formam statuo, quam in perpetuum observandam decerno, ut in ipsa domo, quæ scholarium de Merton nuncupatur, perpetuo sint scholares literarum studio deputati, qui artium seu philosophiæ, canonum seu theologiæ, studio vacare tenebuntur, quorum pars major artium liberalium et philosophiæ studio vacent, donec de sui custodis et sociorum arbitrio, tanquam in hiis laudabiliter proveci, ad studium se transferant theologiæ. Quatuor autem vel quinque ex sui superioris providentiâ, quos ipse habiles et ad hoc aptos decreverit, in jure canonico licenter studeant: cum quibus etiam ipse superior, ut jura civilia ad tempus audiant, quatenus expedire viderit, poterit dispensare. Sit etiam in ipsa congregatione grammaticus unus, qui studio grammaticæ totaliter vacet, sibi que de bonis domus ipsius librorum copia et alia necessaria ministrentur: et eorum qui studio grammaticæ fuerint applicati, curam habeat, et ad ipsum etiam proveciores in dubiis suæ facultatis habeant absque rubore regressum: sub cujus etiam magisterio scholares ipsi de quibus, et ubi videbitur expedire pro suæ promptitudinis commodo, Latino fruantur eloquio, seu ydiomate vulgari, et ipse pro viribus singulos fideliter instituere teneatur.

CAP. 3. De numero scholarium, et taxatione sustentationis.

Sit insuper numerus scholarium ipsorum, juxta quantitatem

bonorum domus ipsius, quorum quilibet quinquaginta solidos duntaxat, per manus sui superioris, vel eorum qui ad proventus dictæ domus recipiendos et reservandos deputati fuerint, terminis competentibus percipiat annuatim; ita siquidem ut singulis ebdomadis certam inde portionem ad sua communia percipiant. Singulis tamen, si præter necessitates domus ipsius, ad quas deputati fuerint vel transmissi, extra scholas egerint, de suis portionibus pro rata temporis subtrahatur, et partes sic subtractæ, per dictum superiorem et alios ad proventus dictæ domus recipiendos et reservandos deputatos, in dictæ domus utilitatem alias convertantur. Hiis autem qui pro necessitatibus dictæ domus missi, seu alias pro dictæ domus utilitate extra domum illam egerint, ad quod utique omnes et singulos, prout necessitas rei requirat, teneri decerno, in nullo quominus suam portionem percipiant, derogetur, quin eam integre recipiant, aut alias impensæ sibi competentes pro sui superioris arbitrio ministrentur.

CAP. 4. De scholaribus infirmis.

Quod si scholarium ipsorum aliquem, pro necessitate vel utilitate domus ipsius, ad loca aliqua destinatum, dum absens fuerit, infirmari contigerit, plena sibi portio sua pro rata temporis, aut aliqua sustentatio competens in dicta domo, usque ad annum integrum, si non prius convalerit, ministretur. Aliis autem ex scholaribus prædictis in ipsa domo infirmantibus gratia fiet consimilis, usque ad decem menses, et ex tunc, si vel hujus vel illius annualis fuerit ægritudo continua, nec spes de convalescentia subsit propinqua, loco ipsius, veluti ad studendum inutilis, alius qui utilis et aptus fuerit subrogetur. Si autem incurabilis fuerit ægritudo, per quam ad victum suum alias consequendum aptus non fuerit, in Hospitali de Basingstoke, quod dominus Rex prædictus in meo territorio precum mearum instantia censuit fundandum, sustentationem perpetuam, pro viribus hospitalis illius, habeat competentem.

CAP. 5. De officio custodis.

Sit autem in dicta domo superior, qui custodis nomine perpetuo nuncupetur, vir in spiritualibus et temporalibus circumspectus, qui scholaribus in ipsa domo commorantibus, ac ministris altaris, aliisque omnibus fratribus et yconomis seu ballivis, quocunque nomine censeantur, qui ad exteriorem seu interiorem administrationem seu regimen fuerint deputati, præmineat et præsit; omnesque ei tam scholares quam altaris ministri, fratres, æconomi, et ballivi, tanquam suo superiori, obediant et intendant.

CAP. 6. De conditionibus custodis.

De conditionibus vero ejusdem custodis, quoad ejus institutionem seu destitutionem, et alia ipsum contingentia, ea firmiter observentur, quæ supra hoc inferius sunt annotata.

CAP. 7. De officio et salario decanorum.

De scholaribus autem supradictis aliqui de discretioribus eligentur, qui sub ipso custode tanquam ejus coadjutores, minus provectorum curam, qualiter in studio et morum honestate proficiant, agere teneantur: adeo ut numero cuilibet vicenario aut denario, si necesse fuerit, præsit unus, et iis dum aliorum curam diligenter expleverint, in aliquo cæteris provideatur uberius, prout videatur honestum. Sit nichilominus in qualibet camera in qua præfati commanent scholares, unus cæteris maturitate provectior, qui etiam aliis superintendat sociis, et per quem de ipsorum moribus et studii profectu, ipse custodi domus cæterisque in hujusmodi cura præpositis, ac ipsi congregationi scholarium, si opus fuerit, innotescat.

CAP. 8. De communi mensa sociorum, et de conformitate habitus.

Porro scholares sub ipso custode et aliis præpositis vicenariis, videlicet et decanis in ipsa domo studendi officio deputati, mensam communem habeant, et etiam habitum conformem, quantum possunt.

CAP. 9. De veniendo ad ecclesiam, et de numero ministrorum altaris.

Horisque canonicis et celebrationi missarum simul intersint diebus festis ac aliis, quantum eis vacaverit. Quæ ut honestius atque decentius impleantur, quatuor ministros altaris vel tres ad minus ministerii in ordine sacerdotali et habitu honesto et convenienti, deputatos in ipsa domo esse decrevi et censeo perpetuo moraturos.

CAP. 10. De lectore in mensa.

In mensa etiam lectorem habeant, et sub silentio sint simul epulantes, hiis quæ leguntur attendant.

CAP. 11. Quales sese in cameris gerant.

In cameris suis absque strepitu et absque sociorum impedimento conversentur, studioque diligenter adhærentes, si qua proferant, eloquio fruantur Latino.

CAP. 12. De magistro grammaticæ ; de extraneis.

Circa hæc etiam ea quæ artis grammaticæ requirit directio, supradicti magistri grammaticæ directionem atque correctionem humiliter tollerantes. Hoc etiam inter se scholares ipsi diligenter attendant, ut nullus extraneos vel propinquos inducendo suæ societati onerosus existat, ne per hoc aliorum turbetur tranquillitas, nec inde contentiones aut jurgia suscitantur : sed sicut pietatis causa ad sustentationem hujusmodi sunt admissi, sic absque aliorum onere, æqua participatione, juxta suas portiones, singuli in convictu humiliter sint contenti.

CAP. 13. De admissione scholarium.

Hoc etiam in eadem domo specialiter observari volo et decerno, ut circa eos, qui ad hujusmodi elemosinæ participationem admittendi fuerint, diligenti sollicitudine caveatur, ne qui præter castos, honestos, pacificos, humiles, indigentes, ad studium habiles ac proficere volentes, admittantur. Ad quorum agnitionem singulis, cum in dicta societate fuerint admit-

tendi sustentationis gratia in eadem, ad annum unum utpote probationis causa primitus concedatur, ut sic demum si in dictis conditionibus laudabiliter se habuerint, in dictam congregationem admittantur. In quorum admissione et sustentationis gratia prædictæ, qui de genere meo fuerint, gratia successionis quæ sibi in meis feodalibus, secundum regni consuetudinem, debeatur, præcipui sint et primi; ac deinceps de Wintoniensi diocæsi et aliis diocæsibus et locis ubi sua beneficia, seu feodalìa, ac alia suo victui deputata, consistent. Quibus singulis dum sic fuerint in dicta domo admissi, eo usque ad suam sustentationem præfatæ summæ annuæ præstabuntur, quamdiu cum superioribus suis obedienter, et cum suis sociis pacifice, tollerabiliter, et modeste se gesserint, ac in regimine sui studio diligenter vacantes, in moribus se laudabiliter habuerint et honeste.

CAP. 14. De causis amotionis et expulsionis alicujus socii a collegio; et sunt causæ, ut patet.

Si autem eorum alicui ægritudo diutina vel incurabilis, ut prædictum est, supervenerit, seu quis eorum religionem intraverit, seu ad alicujus obsequium se transtulerit, beneficiumve uberius fuerit assecutus, vel ab ipsa domo animo studium deserendi recesserit, seu in ipsa domo studere neglexerit, cesset omnino in ejus persona exhibitio prædicta. Quod si publica turpitudinis nota eorum aliquem involverit, aut grave scandalum in ipsa domo per eorum aliquem fuerit suscitatum, vel adeo intollerabilis erga magistrum aliosve præpositos, aut in pacificus erga socios, seu jurgiorum suscitator extiterit creber, dicta sibi sustentatio seu exhibitio omnino subtrahatur, et ipse a dicta congregatione penitus excludatur. Hoc tamen adhibito moderamine circa delicta, ut si de perjurio, sacrilegio, furto, seu rapina, homicidio, adulterio, vel alio lapsu carnis gravi; percussione socii, vel quod deterius est, magistri, per testes idoneos, aut alias indubitanter coram dicto superiore, assidentibus sibi sex vel septem de senioribus dictæ do-

mus, evidenter appareat, hoc semel solum commissum sufficiat, ut expulsionem seu ejectionem dictæ domus dignissimum habeatur. Si autem de gravi crimine sola fuerit contra eum exorta suspicio, fama seu potius infamia deferente, aut si crimen aliquod de levioribus commiserit, veluti in obedientiam levem erga præpositum vel magistrum, aut jurgium breve cum socio, aut levis contentio per eum fuerit suscitata, trina monitione corripiatur per superiorem vel alium præpositum, si necesse fuerit, ut in futurum sive quoad suam famam melius se habeat, sive ab hujusmodi insolentiis se omnino compescat. Quod si sprete trina monitione præfata suam famam miserabiliter neglexerit, aut in casu alio circa suam emendationem negligens extiterit, ab ipsa domo absque spe regressus ejiciatur, et maneat perpetuo sic ejectus.

CAP. 15. De dissensionibus inter socios.

Sin autem gravis dissensio inter eorum aliquos suborta fuerit, per supradictos præpositos vicenarios et decanos sedetur, si ipsi ad eam sedendam absque superiore sufficiant; sin autem, per ipsum superiorem domus cum septem vel octo de senioribus dictæ domus ei assidentibus terminus dicto negotio imponatur; et quod ipse superior præfato modo duxerit ordinandum, firmiter observetur, et executione absque contradictione aliqua demandetur. Quod si pars alterutra hujusmodi ordinationi parere neglexerit, a dicta societate pars rebellis tanquam incorrigibilis et rebellis penitus excludatur.

CAP. 16. De appellatione ejectis denegata.

Ejectis autem a domo præfata omne beneficium dictæ domus et participatio bonorum ipsius penitus denegetur, nec eis, occasione amotionis seu ejectionis hujusmodi, contra custodem dictæ domus, aut scholares seu quoscunque alios de dicta domo, aliqua actio competat vel regressus, sive agendo seu appellando, seu querimoniam deponendo, seu in integrum restitutionem petendo, seu cujuscunque curiæ secularis vel eccle-

siasticæ literas obtinendo, seu literis quibuscunque vel per quoscunque obtentis utendo, contra suam amotionem memoratam, quantumcunque sibi alias probitatis et vitæ merita suffragentur. Ne enim litibus bona dictæ domus inutiliter deserviant, aut eorum aliqui abjectionis suæ causa ad lites valeant convolare, statuo et decerno, ne qui in dicta sustentatione aut bonis dictæ domus jus habeant, aut aliquid sibi vindicare possint, nisi dum adeo humiles et obedientes et tollerabiles fuerint et modesti, ut custos et socii dictæ domus conversationem eorum ac in suis rudimentis diligentiam approbaverint, et eorum societate, absque contentione et murmure seu scandalo, fuerint contenti.

CAP. 17. De electionibus faciendis.

Loco autem alicujus deficientis scholarium dictæ domus, vel ex causa supradicta expulsi, debbit alius continuo subrogari, in quem videlicet custos dictæ domus una cum tredecim senioribus de ipsis scholaribus poterint concordare; aut si illos discordare contigerit, is loco alterius assumetur, in quem custos domus una cum sex senioribus dictorum sexdecim* duxerit concordandum. In qua siquidem subrogatione, necnon et quorumcunque aliorum admissione, conditiones superius circa eos qui admittendi fuerint annotatas, sub debito juramenti seu fidelitatis omnium et singulorum quorum intererit, censeo investigandas, ac temporibus perpetuis pro viribus observandas.

CAP. 18. De readmissione sociorum ejectorum.

Ne tamen ob crimina leviora, ut superius expressum est, vel offensas leves, ejectis aut studium deserentibus omnino denegetur humanitas, si in posterum dignos pœnitentiæ fructus egerint, et custodem seu præpositos aut scholares domus ipsius, agendo vel appellando, aut per modos alios

* MS. Tanner, 339, and MS. Lansd. 1020, read "tredecim."

superius nominatos, occasione suæ abjectionis nequaquam procuraverint molestari, seque ad loca et beneficia ipsius domus humiliter petierint de novo admitti, ex speciali gratia sibi poterit concedi, ut cum loca aliqua de novo vacaverint, ad eadem, si custos et scholares expedire viderint, in forma et modo quo alii de novo assumuntur, misericorditer possint admitti.

CAP. 19. De officio vice-custodis.

Sit autem in domo supradicta sub dicto custode senior unus seu vice-custos, conversatione et moribus approbatus, seu de ministris altaris prænotatis, seu ad hoc alius deputatus, qui circa curam, conversationem, et profectum, tam ipsorum ministrorum altaris, quam scholarium decanorum et vicenariorum prædictorum, vices ipsius custodis absentis suppleat, et sibi etiam præsentis circa eadem pro viribus diligenter assistat.

CAP. 20. De scrutinio in omni termino, et quod in eo fieri debeat.

Utile etiam censeo et volo ut a custode et senioribus domus, et omnibus scholaribus ibidem præsentibus, ter in anno, per octo videlicet dies ante Natale semel, et iterum per octo dies ante Pascha, et tertio in festo S. Margarethæ, quando magistri ab actu legendi cessare solent, in ipsa domo capitulum vel scrutinium celebretur: in quo de singulorum vita, conversatione, moribus, profectu studii, et de omnibus illis quæ sub correctione aut reformatione in melius digna fuerint, diligentius inquiratur, atque ibidem quæ fuerint corrigenda corrigantur, necnon excessus pro modo et quantitate delicti, juxta censiones superius annotatas, nisi prius hoc ipsum expletum fuerit, animadversione condigna plectentur.

CAP. 21. Quo tempore fieri electiones debeant.

In eisdem etiam terminis, ad eadem capitula, vel ad eorum aliquod, accedant qui hujusmodi beneficia dictæ domus fuerint petitori, et in eisdem capitulis, sub claro fide-dignorum

testimonio, qui vitam eorum et conversationem prenotarint, gratia sibi primitus sustentationis annualis, prout superius est expressum, concessa, ex tunc in ipsa domo, si de conditionibus prænotatis liqueat et expedire videatur, admittantur. Quibus siquidem admittendis omnibus indistincte in ipsa admissione jurandi necessitas ea omnia fideliter observare, quæ præsentî scripto et serie continuentur, imponatur, et illum præcipue articulum, quod in casu abjectionis suæ, ob sua forsitan demerita, futuræ omni actioni atque appellationi omnique juris remedio expresse renuntient, tam scilicet canonici quam consuetudinarii aut civilis. In ipsis insuper capitulis seu scrutiniis celebrandis, convenientibus custode et scolaribus in ipsa domo degentibus, divina faciant pro suo fundatore, necnon et aliis benefactoribus suis viventibus et defunctis, solemniter celebrari: atque præsentis scripturæ tenorem, pro conservatione et memoria hujusmodi elemosinæ, coram omnibus recitari.

CAP. 22. De œconomis domus.

Sint etiam in locis et maneriis dictæ domus œconomi, ubi necesse fuerit et expedire videbitur, locorum et maneriorum ipsorum, sub ipsius custodis obedientia, custodiam agentes et negotia. Quibus, si utiles reperti fuerint et honesti, perpetuitas in ipsa domo, et nomen fratrum sub habitu honesto, poterit concedi. Quorum tamen excessus, custos domus assidentibus sibi sex vel septem de senioribus dictæ domus, pro modo et quantitate delicti punire poterit, per eorum amotionem a consortio fratrum et participatione bonorum dictæ domus, sine spe reversionis: omni genere actionis contra custodem dictæ domus seu scholares ejusdem et fratres omnique juris auxilio, occasione suæ amotionis penitus denegato, nisi forte in posterum condigne pœniteant, prout superius de scholaribus supradictis evidentius est expressum.

CAP. 23. De procuratoribus.

De scholaribus insuper dictæ domus, tres idonei et discreti

assignentur, qui exitus et proventus terrarum et possessionum ejusdem domus, a manibus dicti custodis, œconomorum, necnon et aliorum, undecunque provenientes, sub testimonio dicti senioris recipiant, et in tuto ad distributiones supradictas et alia dictæ domus negotia fideliter ac solerter reservent. Et ipsis tribus præsentibus, cum aliis quinque de discretioribus dictæ domus ad hoc assignandis, omnium ballivorum ratiocinia annis singulis diligenter et exquisite per dictos custodem et seniore audiantur. Ipsorum etiam trium ratiocinia, coram dicto custode et seniore et aliis quinque prædictis, similiter audiantur. Custos etiam ipse de sua administratione, et de hiis quæ de bonis dictæ domus ad manus suas devenerint, coram dicto seniore seu vice-custode et aliis quinque prædictis, annis tenebitur singulis reddere rationem.

CAP. 24. De rationum examinatione.

Ut autem proprietatem et plenum dominium maneriorum et possessionum dictæ domus, tam scilicet ecclesiasticorum quam secularium, ad dictos scholares pertinere liqueat evidenter, atque ut ipsum seniore supradictum, ad custodiam et negotia dictæ domus vice-custodis absentis, ut præfatum est, deputatum, necnon et scholares ipsos, actus et administratio ipsius custodis et aliorum ipsis maneriis et possessionibus præpositorum omnino non lateat, custos ipse, ad denuntiationem dicti senioris et scholarium, omnes maneriorum et possessionum suarum œconomos atque fratres, in ipsis maneriis et locis commorantes, semel in anno, ad aliquod maneriorum seu locorum suorum, die certo faciat convenire. Ad quem diem et locum veniat ipse custos atque dictus senior, et decem vel octo scholares de maturioribus domus ipsius, causa visitationis custodis et fratrum seu œconomorum, necnon et aliorum dicti collegii, auctore Domino, utilis impendendæ. In ipso igitur dictorum custodis, senioris, et scholarium prædictorum adventu, omnes œconomi et ballivi, in

signum renuntiationis suorum officiorum, absque detentione juris alicujus quod eis in suis administrationibus competat, claves in manus ipsius custodis in præsentia dictorum senioris et scholarium resignabunt: ac deinde per dictos seniores et scholares de vita et conversatione et moribus custodis, œconomorum, et fratrum, necnon de excessibus eorundem, diligentius inquiratur; ac insuper ratiociniis singulorum tunc vel superius, ut supradictum est, auditis, et qualiter in suis administrationibus se habuerint, solerter, ut sciri poterit, intellecto, excessus œconomorum, fratrum, et ballivorum, qui inventi fuerint, animadversione condigna, juxta quantitatem delicti, sive per abjectionem a participatione bonorum domus, et fratrum consortio, seu per administrationis suæ perpetuum, vel ad tempus antedictum, aut pœna alia, quæ digna visa sit præsidenti, acriter puniantur. Qui autem prudentes inventi fuerint et fideles, ex nova commissione custodis, de consensu scholarium sibi assidentium, in pristinis administrationibus tollerari poterunt, aut præferri, vel ad loca alia et officia majora transferri, vel aliter honorari pro discretione et arbitrio judicantis, ut mali et desides metu pœnæ, fideles et boni honoris præmio, ad meliora continue incitentur.

CAP. 25. De incremento numeri scholarium.

Si autem fuerit in eodem adventu compertum, quod bona dictæ domus adeo excreverint, ut scholarium ipsorum numerus cum sustentatione consimili possit augeri, tunc, salva educatione parvulorum inferius annotata, ad honorem divini nominis augeatur, et quatenus augeri poterit, ille numerus discernatur seu diffiniatur ibidem. Quod si per aliquem vel aliquos de scholaribus, aut custode, aut fratribus, pro sua voluptate aut majori victualium habundantia, prætendatur obstaculum quominus, excrescentibus facultatibus, pariter scholarium excrescat numerus, quicumque ille fuerit, per ipsum seniores pœna, quæ sibi æqua videbitur, a tali impedimento

desistere compellatur: Quod si pertinax fuerit in incepto, tanquam pro crimine graviore ab ipsa domo irreparabiliter excludatur. Si vero custos supradictus, quominus in hoc casu scholarium numerus accrescat, se, quod absit, opponat, per scholares et fratres, qui cum ipso seniore ad locum convenerant, primo, secundo, et tertio moneatur, qualibet monitione duorum dierum spatia continente: qui ter monitus, si non resipuerit ab incepto, per dictum seniore aut aliquos de scholaribus prædictis id patrono dictæ domus nunciatur, a quo post monitiones supradictas correptus, si adeo laudabile bonum ulterius impedire præsumat, tanquam pro gravi crimine per ipsum patronum a præfato abjiciatur regimine, ipsique scholares sibi et domui suæ secundum formam præsentibus sibi traditam, libere provideant de custode. Hæc autem omnia circa pœnam hujus numeri incremento contradicentis sic censui moderanda, ut si justam et evidentissimam causam suæ contradictionis in medio expresserit contradictor, veluti onus æris alieni, vel litigium cum potente, aut contributionem ecclesiis eorum usibus deputatis impositam, aut Terræ Sanctæ subsidium, levamen principis aut prælati, repentinum domorum aut ecclesiarum incendium vel ruinam, mortalitatem gregum, armentorum aut pecorum, aut his similia quæ nequeant facile numerari, non tantum immunis a pœna, sed etiam laude similiter et honore dignus, merito judicetur.

CAP. 26. Conclusio visitationis.

Omnibus autem rite dispositis, quæ in ipso adventu fuerint disponenda atque completis, utpote punitis excessibus, auditis ratiociniis custodis, œconomorum, et aliorum ministrorum, necnon ministris seu œconomis sapientibus et expertis in singulis maneriis de communi concilio collocatis, diffinito etiam an numerus scholarium augeri valeat, et in quanto, vel diffinitione ipsa hujus articuli per contradictionem custodis forsitan suspensa seu dilata, redeat senior ipse cum scolaribus ad domum

scholarium, a qua causa visitationis hujusmodi ad tempus abcessit; æconomi quoque ad loca sibi deputata se transferant, et suis ministeriis vacent fideliter et attente. Custos autem suo similiter ministerio interius et exterius, prout rei qualitas, et temporis seu locorum necessitas aut utilitas exposcit, solerter et solícite reintendat.

CAP. 27. De circuitu custodis, et de collectis fructibus autumnalibus.

Quinetiam annis singulis, collectis antumpni fructibus, maneria et loca ad dictam domum spectantia circumeat et visitet, necnon et quantitatem bonorum in singulis locis prædictis videat et taxet, ipsamque taxationem seu æstimationem fideliter in scriptis redigat, et redactam in scriptis seniori et scholaribus dictæ domus deferat et assignet, ut demum, anno revoluto, cum ratiocinia fuerint audienda, fidelitas ipsorum ratiociniorum, ex collatione ipsius scripturæ, certius valeat apparere.

CAP. 28. De emolumentis et oneribus custodis.

Custos siquidem mensam habeat, in qua sint ei commensales senior seu vice-custos supradictus et tres capellani, necnon et quinque mancipia dictis custodi, seniori, et capellanis, si tot indigeant, administrantia: ad quod quinquaginta marcas annuatim recipiat de bonis domus supradictæ, et præter hæc habeat vice-custos annis singulis ad indumenta et alia necessaria sua quinquaginta solidos, necnon et singuli dictorum trium capellanorum duas marcas de bonis ejusdem domus. Custos autem duas evectiones cum earum pabulo, et indumenta sua propria rationabiliter sibi convenientia, et mancipiorum stipendia, etiam præter prædictas quinquaginta marcas habeat de communi. Et quia æconomos seu ballivos dictæ domus et eorum nuncios ad dictam domum pro negotiis ejusdem domus sæpius accedentes, in dictorum custodis, senioris, et capellanorum mensa recipi oportebit; volo et decerno, ut si terras et possessiones dictæ domus, per eorundem custodis, senioris, et capellanorum

industriam in aliquo vel alicubi meliorari contingat, per quod fructus et proventus majores et ampliores exinde proveniant, utpote si possessio vel manerium, quod tempore assignationis seu concessionis dictæ domui inde factæ decem marcas valuit, ad summam ulteriorem, puta quindecim marcarum vel aliam per hujusmodi meliorationem attingat, decima dictæ meliorationis cedat eisdem custodi, seniori, et capellanis, ad sustentationem mensæ suæ et oneris supradicti. Dictus vero vice-custos et tres capellani prædicti in dicta domo tenebuntur continuo residere, nisi forte ex magna et urgente causa ad dictæ domus negotia eos transmitti contingat.

CAP. 29. De electione custodis.

De custode autem cum ibi ponendus fuerit, hoc modo provideatur. Septem de provectoribus et discretioribus dictæ domus assignentur ad inquirendum a singulis scholaribus dictæ domus, si quos in spiritualibus et temporalibus sive de dicta domo seu aliunde discretos et exercitatos noverint, et cum eos omnes audiverint, tunc dicti septem, pensatis industria, probitate, et honestate singulorum, tres quos magis idoneos ac domui suæ necessarios intellexerint, ex his qui per dictos scholares nominati fuerint, aut aliis, si liquido magis expedierit, suo patrono nominabunt, ut unus ex illis tribus, quem idem patronus utilem magis intellexerit, auctoritate ipsius custos eis et suæ domui præficiatur.

CAP. 30. De electione vice-custodis, capellanum, et procuratorium.

Senior vero seu vice-custos et capellani prædicti, necnon et illi tres qui ad exitus et proventus terrarum et possessionum dictæ domus recipiendos et reservandos assignandi fuerint, per ipsum custodem et quinque duntaxat de senioribus aliis dictæ domus ad hoc specialiter deputandos vice omnium, provideantur. Ipsi autem, scilicet senior seu vice-custos, et capellani, necnon et tres alii, ad perceptionem et reservationem dictorum proventuum et exituum deputati,

sub debito juramenti sui, ad conservationem jurium et libertatum dictæ domus fideliter tenebuntur, et quod diligentiam omnimodam quam poterint, apponant, ut regula dictis scholaribus tradita ab ipsis scholaribus perpetuo absque fraude vel dolo plenius observetur.

CAP. 31. De denuntiatione circa custodem facienda.

Et eis etiam, vel tribus seu duobus eorum, vel aliis dictæ domus scholaribus in eorum defectum, competat, dictum custodem et alios quoscunque de dicta congregatione, vel eorum ministros, si custos ipse negligens fuerit vel remissus, arguere, increpare, negligentias, defectus, crimina, seu delicta, quæ domi de facili corrigi non poterint, patrono denunciare, ejusdem arbitrio punienda, seu alias, prout sibi videbitur, corrigenda.

CAP. 32. Quæ sunt denuncianda patrono.

Porro cum dicti custodis industria, honestas, et diligentia dictæ domui præ cæteris necessaria sit et oportuna, ac per ejus negligentiam, quod absit, vel insolentiam, dictæ domui imminere possint dispendia ac pericula graviora: præmissis adjicio et decerno, ut cum custos dictæ domus, qui pro tempore fuerit, propter dilapidationem seu incontinentiam, vel aliam causam rationabilem, tanquam intollerabilis vel inutilis, videbitur amovendus, patronus ipse dictæ domus ad insinuationem vel denuntiationem duorum vel trium de dicta congregatione, ad quod omnes et singuli ejusdem congregationis sub suæ fidelitatis debito teneantur, summarie, et de plano, absque judiciali strepitu, presertim cum bona dictæ domus litibus deservire nolim, de causa hujusmodi cognoscens, ipsum custodem amoveat, alium in ejusdem locum juxta formam superius traditam absque moræ dispendio subrogando.

CAP. 33. De custode et aliis ministris, quomodo eis in senectute provideatur.

Si vero custos supradictus bene et laudabiliter in administratione prædicta perseverans, senio vel laboribus confractus,

aut ad imbecillitatem devenerit, quominus ad dictam administrationem sufficere possit, ex tunc sibi in domo prædicta toto tempore vitæ suæ inter fratres ejusdem domus provectiores et meliores in victu et vestitu necessaria competenter et decenter ministrentur. Ipse autem negotia domus supradictæ, tanquam propria, salubri concilio pro viribus semper juvare tenebitur, et in corporis exercitio si convalescat, quatenus competenter et honeste poterit, eadem promovere. Servientibus insuper et ministris dictæ domus, si fideliter, laudabiliter, et utiliter deservierint, et ad senectutem vel imbecillitatem devenerint, per quod suis laboribus victum sibi perquirere nequiverint, tunc illis qui bene meriti fuerint, prout expedit, et dictis custodi et scholaribus visum fuerit, sustentatio in victu et vestitu, quoad vixerint, in dicta domo ministretur. Ipsi autem domum ipsam consilio et auxilio, et etiam corporis exercitio, quatenus competenter poterint, semper juvare tenebuntur.

CAP. 34. De equis permissis et interdictis, et de eorum pretio.

Cum autem dictum custodem, ad loca dictæ domus, vel alia pro evidente domus utilitate, equitare contigerit, unum fratrem seu œconomum secum in tertio equo licenter habere poterit equitando loco socii vel ministri. Œconomi autem aut fratres nullum equum teneant, nisi quatenus maneriarum necessitas requirit, sintque equi domus ipsius pretii mediocris, ne domus ex eorum pretio prægravetur. Equis autem scolarium, sive ad scholas venientium, seu a studio redeuntium, nihil penitus in ipsis maneriis ministretur, nisi tunc demum cum scolares domus ipsius, pro communi utilitate, ad loca aliqua fuerint destinati.

CAP. 35. De sepultura sociorum.

Socii quoque dictæ congregationis, sicuti usque ad vitæ exterminium socii fuerint in convictu, sic et ubi simul egerint, cum suis sociis atque confratribus, ecclesiasticam in sua morte habeant sepulturam.

CAP. 36. De potestate custodis et scholarium nova statuendi.

Cæterum quia casus omnes futuri ab initio certa lege includi non poterint seu statuto, idcirco volo et statuo, ut si quas observantias vel statuta salubria et honesta, per custodem et decem vel octo seniores et discretiores dictæ domus, de peritorum consilio, ad utilitatem et conservationem institutionis præsentis, in posterum provideri contigerit, eos omnes et singuli de ipsa domo futuris temporibus observare absque contradictionis obstaculo teneantur.

CAP. 37. De jure, possessione ista, et privilegiis non pereuntibus propter translationem scholarium.

Illud quoque insuper est attendendum, quod si locus habitationis, seu scholarium studio vacatorum congregatio, causis aliquibus emergentibus, quæ facile numerari non possint, ad locum alium transferantur, nichil eis idcirco juris aut possessionis deperiat in prædictis maneriis, seu rebus aliis sibi assignatis, vel deinceps ex pia largitione fidelium assignandis, sed omnia eis nichilominus integra remaneant: durentque statuta hæc et alia in posterum promulganda atque privilegia ipsi domui indulta et indulgenda, licet ad locum alium futuris temporibus ipsa congregatio forsitan sit translata; dum tamen hanc institutionem tam re quam nomine teneant et observent, et se suasque possessiones alteri collegio non adjungant.

CAP. 38. De pace tenenda inter scholares.

Injungo etiam super omnia scolaribus prædictis in virtute Dei, et sub obtentu felicitatis vitæ præsentis pariter et futuræ, ut in omnibus et super omnia unitatem et mutuam inter se caritatem, pacem, concordiam, et dilectionem semper observent.

CAP. 39. De obligatione promotorum.

Et cum, præstante Domino, ad uberiores fortunam devenierint, domum prædictam in licitis et honestis studeant pro-

move, ac ejus defensionem, necnon eorum quæ ad eam pertinent, cum opus fuerit, diligenter insistant, aliosque nostri generis, ac cæteros suos hujus adoptionis confratres, tanquam veri Habrahæ filii, in sancta conversatione et morum honestate ad laudem sui conditoris educare ac promovere procurent. Domum etiam Sancti Johannis de Basingstoke, quam dominus rex Angliæ supradictus in meo territorio et fundo ad sustentationem ministrorum altaris Christi, et ipsorum scholarium imbecillium et pauperum infirmantium, precum mearum instantia stabilivit et fundavit, semper sint obnoxii et devoti, et eam augeant, secundum quod Dominus eis gratiam inspiraverit, ac sibi concesserit facultatem.

CAP. 40. De educatione parvulorum, et de parentela fundatoris.

Cæterum cum successionem, quæ meis hæredibus seu parentelæ meæ secundum regni consuetudinem, in meis feodalibus debebatur, in hanc elemosinam, Deo inspectore, commutaverim, ut supradictum est: volo et constituo, ut si parvuli aliqui de parentela prædicta, suis orbatæ parentibus, aut alias pro exilitate parentum suorum, sustentatione careant, dum in puerilibus rudimentis primitus instruantur, tunc custos ipse eos usque ad tresdecim numero erudiri faciat in domo prædicta, donec in scholis proficere possint, si ad hoc habiles inveniantur, et de illis in subrogationem scholarium superius expressam sumantur, qui ad hoc habiles reperiantur et idonei. Et ne in dicta domo vel societate prædicta pestis pullulet, quæ per carnis illecebras totiens vexat incautos, singula prædictæ domus ministeria, ad minus infra septa curiæ domus scholarium, necnon et manerii de Maldone, et alibi, quatenus alibi fieri poterit, perpetuis temporibus fiant per mares. Et si de libera familia mea, quæ in meis obsequiis tempore mei decessus egerint, aliqui sua sustentatione indigeant, nec eis fuerit aliter, me vivente, provisum, tunc eis in dicta domo sustentatio competens ad vitam suam, pro personarum meritis, ministretur:

ita tamen quod dictæ domui in officiis sibi competentibus, quamdiu commode poterint, debeant deservire.

CAP. 41. De ejectis non remedium habentibus.

Adhuc cum in præmissis ordinaverim, ut ejectis a domo præfata, ob sua forsitan demerita, omne beneficium et participatio bonorum ipsius penitus denegetur, idem in amotione custodis domus ejusdem, cum ex causis superius annotatis amotus fuerit, censeo observandum; ita quod [eidem] occasione amotionis vel abjectionis prædictæ, nulla actio, nullum juris remedium canonici vel civilis, competat, per quod ad custodiam seu domum prædictam regressum habeat in futurum.

Ad horum autem memoriam omnium et securitatem sempiternam, sigillum serenissimi principis domini Edwardi regis Anglorum illustris, in sui consensus et approbationis testimonium, una cum sigillo meo, præsentibus est appensum. Datum mense Augusti, anno Domini millesimo ducentesimo septuagesimo quarto.*

* The copy from which the text of the Statutes is here printed was made by Baker, the Cambridge antiquary, in the year 1710, from a transcript taken by John Warkworth, Master of St. Peter's College, Cambridge, who lived in the latter half of the fifteenth century. From a note by Baker at the end, it seems that the MS. was bequeathed to the College by Warkworth, though it does not appear from Bernard's catalogue that it is now in the library of that institution, and I did not discover it in a cursory examination of the MSS. in the College made a few years ago. A few extracts from the Statutes were printed in "Henrici Jacobi Oratio," 4to. Oxon. 1652; and besides the two copies of this code previously mentioned, are four other manuscripts, viz. MS. Lausd. 1020, in the British Museum; MS. No. 757, in Lambeth Palace Library; and two copies in Durham Cathedral, mentioned in Rud's Catalogue, fol. Dunelm. 1825, p. 322, 390.

Recapitulation and Approval of the Foundation of the College by Walter de Merton, 1274.

[From Kilner's Account of Pythagoras's School, p. 76.]

In nomine gloriosissimæ et individuæ Trinitatis, Patris, et Filii, et Spiritus Sancti, Amen. Ego Walterus de Merton clericus, illustris domini regis Angliæ quondam cancellarius, de summi rerum et bonorum opificis bonitate confisus, ejusdem gratiæ, qui vota hominum pro sua voluntate disponit et dirigit, fidenter innisus, animique revolutione sæpe sollicitus, si quid sui nominis honori retribuam, pro iis, quæ mihi in hac vita habundanter retribuit, Domum quam scolarium de Merton intitulari et nuncupari volui et mandavi, et quam, in meo solo proprio, meis laboribus acquisito, videlicet apud Maldon, in comitatu Surreye ad perpetuam sustentationem scolarium in scolis degentium, pro salute animæ meæ, et animarum domini Henrici, quondam regis Angliæ, necnon et germani sui Ricardi, Romanorum regis incliti, et antecessorum et hæredum suorum, et parentum et benefactorum meorum omnium, ad honorem et gloriam Altissimi, ante turbationem in Anglia nuper subortam fundavi et stabilivi, nunc, pace Angliæ reformata, ac pristina turbatione sedata, animi stabilitate perpetua approbo, stabilio, et confirmo. Locumque sibi habitationis et Domum Oxoniæ, ubi universitas viget studentium, in meo territorio proprio, ecclesiæ sancti Johannis contermino, concedo et assigno. Cui siquidem Domui, seu scholaribus in eadem, Altissimo concedente, in perpetuum moraturis, maneria mea de Maldon et de Farleigh cum suis pertinentiis, quæ pro ipsorum scolarium et ministrorum altaris, qui in ea residentes erunt, sustentatione perpetua, tempore dictæ turbationis, contuli; etiam in præsentī, pace regni reformata, concedo,

ipsamque collationem, spontanea et libera voluntate, approbo; ac, deliberato iudicio, ratifico et confirmo. Quæ etiam maneria, dictis scholaribus, una cum aliis per me, sibi acquisitis, et acquirendis, apud eosdem scolares et fratres perpetuo permanere decerno, sub forma et conditionibus infra scriptis, tam circa personas, quam circa regulam eorundem, annuente Domino, futuris temporibus jugiter observandis. Ad horum autem omnium memoriam et securitatem sempiternam, sigillum serenissimi principis, domini Edwardi, regis Anglorum illustris, in sui consensus et approbationis testimonium, una cum sigillo meo, præsentibus est appensum. Actum anno Domini millesimo ducentesimo septuagesimo quarto*.

* This document, which is printed by Kilner from the original in the archives of the College, is merely a repetition, with a few unimportant literal variations, of the first and part of the last chapters of the founder's statutes. There is also another copy in MS. James, No. 8, p. 154, in the Bodleian Library.

WILL OF WALTER DE MERTON. 1275.

[From MS. Lansd. 1020, in the British Museum.]

In nomine Patris, et Filii, et Spiritus Sancti, Amen. Ego Walterus, Dei gratia Roffensis episcopus, spiritum meum prefatæ sanctæ et individuæ Trinitati commendans, corpus meum in ecclesia Sancti Andreæ Roffensis, si extra comitatum Southamptoniæ de me humanitus contigerit: si autem infra comitatum prædictum, cum parentum meorum corporibus, in ecclesia Sancti Michaelis de Basingstoke, si hoc mihi misericordia Dei concedat, relinquo sepeliendum; legans ecclesiæ prefatæ de Basingstoke calicem unum, pretii quinque marcarum, divinis obsequiis deputandum. Et præterea viginti duo marcas et dimidium ad sustentationem quinque capellanorum in eadem ecclesia, vel vicinis, celebrantium per unum annum; ita quod si in partibus illis tot idonei ad hoc non reperiantur, hii qui deerunt, apud Oxoniam provideantur, et celebrent ibidem. Fiat quoque provisio omnium prædictorum capellanorum per magistrum Willelmum de Ewell, vel aliquem alium amicum meum vel benevolum, sine mora.

Item viginti duo marcas et dimidium ad sustentationem quinque capellanorum, in ecclesia Roffensi et aliis, divina celebrantium per unum annum. Successori meo episcopo, et ecclesiæ meæ Roffensis mitram meam pretiosam, una cum baculo meo pastoralis pretioso, et unum de annulis meis. Priori vero et conventui Roffensi centum marcas, ad providendum aliquem redditum vel possessionem, unde respiciatur conventus Roffensis singulis annis in memoriam obitus mei, et unde, die illo, decem solidatos panis distribui faciant pauperibus pro anima mea. Priori vero ejusdem

loci unum de palfridis meis, et unam cuppam argenteam cum pede et coopterio. Operationibus ejusdem ecclesiæ Roffensis decem marcas.

Pauperibus de Stayndrop viginti marcas; pauperibus de Seggefild quadraginta marcas; pauperibus de Hantwyse viginti quinque marcas; pauperibus de Codinton viginti marcas; pauperibus de Bernyngham decem marcas; ad ornamenta ejusdem ecclesiæ centum solidos; pauperibus de Braunceton quindecim marcas; pauperibus de Fyneysbyry quadraginta solidos; pauperibus prebendæ Sarum triginta marcas; videlicet octodecim marcas apud Bere, et duodecim marcas apud Cermenistre.

Canonicis de Tortington in Sussex quadraginta solidos; fratribus minoribus Oxoniæ quindecim marcas; fratribus minoribus Londoniæ quindecim marcas; fratribus minoribus de Hertepole decem marcas; fratribus prædicatoribus Oxoniæ decem marcas; fratribus prædicatoribus de Novo Castro super Tynam decem marcas, et restituantur eisdem Epistolæ Pauli glossatæ; monialibus Sancti Elenæ de Londoniis centum solidos; monialibus de Wynteneye quadraginta solidos.

Item sorori meæ de Worthyng quadraginta marcas. Filiæ suæ non maritatæ triginta marcas, ad se maritandum vel alias sibi in vitæ necessariis providendas quæ non ad aliud ponantur. Edythæ sorori meæ octoginta marcas, ad terram sibi emendam, vel alias sibi providendam, cum securitate in vitæ suæ necessariis, quæ non ad aliud ponantur; et nihilominus habeat terras quondam Willielmi Hugonis, et Alexandri filii Walteri, quas sibi adquisivi. Filio suo primogenito triginta marcas, ad providendum sibi simili modo, ad terram sibi emendam, vel sibi in necessariis cum securitate ad vitam suam, quæ ad aliud non ponantur. Filiæ suæ apud Wylton viginti marcas, per quas sibi, in domo de Wylton, in victu et vestitu, uberius provideatur.

Agneti sorori meæ viginti marcas. Alano de Portesmuc sexaginta marcas, ad terram aliquam vel redditum ad opus suum emendum quæ ad aliud non ponantur. Hugoni Chastayn quinque marcas, et molendina de Littlemelne, et sciatur quod ea non habui in feodo, sed tantum ad terminum vitæ meæ. Thomæ fratri ejus quadraginta marcas. Thomæ de la Dune quinque marcas. Johanni Jakelin et uxori ejus decem marcas, quæ eis secretius liberentur. Plesentiæ de Londoniis decem marcas. Hawisiæ sorori ejus quinque marcas. Alano de Langford et uxori ejus decem marcas. Johanni le Coppe quatuor marcas. Nicholao de Theddene et uxori ejus et pueris suis triginta marcas. Johanni de Sandeford et uxori ejus centum solidos. Castaniæ de Odyngham quinque marcas. Matildæ de Basinges centum solidos. Christinæ sorori ejus centum solidos.

Item magistro Petro de Abendone unum de palfridis meis, et unam cuppam argenteam cum pede et opertorio. Magistro Andr. Offic. unum ciphum argenteum cum pede, et quadraginta marcas. Johanni de Catelonia quadraginta marcas. Domino Willelmo Sarum quinque marcas, et unum ciphum argenteum cum pede. Willelmo Dodekin centum marcas. Johanni de Merstone capellano quinquaginta marcas. Roberto filio Nigelli totum terminum quem habeo in terris suis, una cum imbayamento* earum, et cum carucis, et omnibus aliis quæ habeo, et ad me spectant, in terris suis prædictis; et præterea triginta marcas ad terras suas instaurandas. Rogero Taylard quadraginta marcas, una cum illis quinque marcis annuis, quas habet ad vitam suam apud Kybworth. Willelmo de Mertoock quindecim marcas. Waltero clerico triginta marcas. Willelmo de Saddeburg quadraginta marcas, et renuntietur sibi debitum in quo mihi tenetur de decimis de Butterwyk, nisi forte illud in vita mea solverit. Johanni de Stanhope viginti marcas.

* i. e. imbladamento.

Petro Clerico quadraginta solidos. Johanni Coco triginta marcas. Waltero Coco viginti marcas. Johanni de Cancia quinque marcas. Henrico de Elham decem marcas. Johanni Hydeys centum solidos. Hugoni de Borstall centum solidos. Adamo Sauveage centum solidos. Willelmo præposito de Bromlegh quadraginta solidos. Adamo de le Wytheyenebiry viginti solidos. Petro Pistori et Johanni Pistori lego terminum quem habeo in terra domini Johannis de Wythefeld apud Bere, cum imbladamento terræ prædictæ. Petro Marescallo sexaginta solidos. Philippo de Dertford quinquaginta solidos. Petro Coco quadraginta solidos. Henrico Coco decem solidos. Simoni Brixatori viginti solidos. Johanni Scissori viginti solidos. Willelmo Watteso quadraginta solidos. Thomæ Catel centum solidos. Adæ de Palefreure quadraginta solidos. Johanne de Mer-sham duo marcas. Johanne de Makeney duo marcas. Galfrido Carectario duo marcas. Eliæ Pagæ quadraginta solidos. Thomæ Page viginti solidos. Willelmo Wodegate unam marcā. Roberto de Chetyndon viginti solidos. Ricardo Carectario viginti solidos. Waltero Carectario duplicentur stipendia sua anni obitus mei. Cæteris vero tam Carectario quam Carucario in maneriis meis dentur singulis, præter stipendia sua, quinque solidos.

Philippo de Codinten quindecim marcas. Item, Willelmo de Grafton fructum autumnii proximæ futuri firmæ meæ de Wolveton, et præterea decem marcas. Gerardo Capellano quinque marcas. Ricardo de Bradmere quadraginta solidos. Willelmo de Osemundelye unam marcā. Willelmo de Haketon quadraginta solidos. Ricardo Russel decem marcas. Willelmo Coco qui est apud Oseney unam marcā. Roberto de Waltham centum solidos. Rogero Bidhey viginti solidos. Willelmo Carectario decem solidos. Matri Alani de Langford quatuor marcas. Item, Johanni de Watevile quadraginta marcas. Thomæ Forestario quin-

quaginta solidos. Ricardo de la Hoke viginti solidos. Filiæ Dulciæ de Maldon centum solidos. Sorori Johannis de Farnham et viro suo triginta marcas. Matri Walteri de Odyham unum ciphum argenteum sine pede. Uxori quondam Petri de Codynton quadraginta solidos. Roberto de Creuker decem marcas, nisi aliter inter nos in vita mea componatur. Saer de Harecurt decem marcas. Ad providendum duabus filiabus domini Stephani de Chendwynt in maritagium, aut alias cum securitate in victo suo, octoginta marcas, scilicet uni earum quadraginta marcas et alteri quadraginta marcas. Et si per minus eis provideatur, residuum habeat aliqua alia de filiabus suis, ad similem sibi provisionem faciendam. Uxori ejusdem Stephani viginti marcas.

Domui scholarium de Merton mille marcas, ad possessiones perpetuas inde emendas; et non ad aliud ponantur, nisi forte ex magna necessitate aliquid inde oporteat ponere pro defensione jurium suorum.

Hospitali Sancti Johannis de Basingstoke quadragintas et quinquaginta marcas, ad possessiones perpetuas sibi emendas, quæ non ad aliud ponantur, et provideatur quod in tuto loco reserventur. Ita quod si possessiones hujusmodi infra quatuor annos a tempore mei decessus venales non inveniantur, ubi dicta pecunia posset ad opus dicti hospitalis applicari, tunc habeat Domus Scholarium de Merton pecuniam prædictam, ita quod singulis annis in perpetuum reddant dicto hospitali viginti libras, vel viginti quinque marcas ad minus, cum securitate sufficienti inde providenda; vel si custos et scholares domus prædictæ hoc onus in se recipere noluerint, tunc per aliquam domum religiosam hoc fiat, ubi securitati ejusdem hospitalis melius videbitur expediri. Item centum marcas ad providendum unum capellanum perpetuo celebraturum in hospitali prædicto, vel in

ecclesia Sancti Michaelis de Basingstoke, si in ea sepultum fuerit corpus meum.

Terminus meus quem habui apud Wythenbery vendatur, et detur pecunia inde proveniens in subsidium Terræ Sanctæ, alicui bono viro in dicta terra pro me et seipso proficiscenti.

Domino regi unam cuppam argenteam cum opertorio, scilicet meliorem, et unum par pelvium argenteum.

Domino Antonio Beck unum de annulis meis, scilicet meliorem, et domos meas apud Sarum, si has habere voluerit, alioquin habeat eas magister Willelmus de Ewell, nepos meus, et eas sustentari faciat; ita tamen quod prædictus dominus Antonius earum usum habeat quando et quatenus sibi placuerit.

Domino Johanni de Kirkeby unum de annulis meis, et ciphum unum de mazeris, et unum ciphum argenteum cum pede.

Magistro Rogero de Seyton unum anulum, et scultellam meam argenteam ad eleemosinam.

Domino Johanni de Kobham unum anulum. Waltero de Odyham unum ciphum argenteum sine pede, et duo scultellas argenteas de forma minori. Magistro Willelmo de Ewell Bibliam meam, quæ post tempus suum remaneat scholaribus meis supradictis. Item eidem sex scultellas argenteas, et magnam cuppam meam de mazeris quæ est apud Seggefild, et respondeatur ei de fructibus ecclesiæ de Seggefild, quolibet anno a tempore consecrationis meæ, de centum librarum: ita quod cedat in supplementum testamenti mei de sua permissione et gratia, prout dominus rex ipsum gratum esse voluit et fidelem. Simili modo fiat Johanni de la Clyve, nepoti meo, annis singulis, a tempore dictæ consecrationis; ut respondeatur ei per annum de quinquaginta libris et residuum cedat in supplementum testamenti mei.

Item eidem Johanni quatuor scultellas argenteas, et unum ciphum argenteum sine pede.

Magistro Reymundo unam cuppam argenteam cum co-opertorio. Radulpho de Ryplingham triginta marcas. Ab-bati de Osney restituatur Missale.

Sciendum autem, quod si, hiis, de quibus superius mentio habita est, sive de familia mea, sive de genere meo, vel aliis quibuscunque, aliter per me in vita mea provideatur, vel portiones suæ, in hoc testamento assignatæ, in toto solutæ fuerint, aut in parte, totum illud sibi cedat in solutum, ita quod illud iterum repetere non possint. Quod si bona mea, et debita mea, quæ mihi debentur, et quæ omnia ad hujus testamenti complementum cedere volo, ad hoc non sufficiant; propter quod de portionibus prænotatis oporteat aliquid defalcari; volo nihilominus, quod sororibus meis, filiis et filiabus sororum mearum, Willelmo Dudekyn, Johanne Coco, Waltero Coco, et domui scholarium meorum nihil subtrahatur; sed habeant integras portiones sibi assignatas, nisi forte aliter sibi per me fuerit provisum, vel aliquid inde percipiant in vita mea, prout supra dictum est.

Hujus autem testamenti mei executores constituo magistrum Willelmum de Ewell, Johannem de Merston capellanum, fratrem Thomam de Woldeham, Johannem de Catteloyne, Radulphum de Riplingham, et Willelmum Dodekin. Quod si non omnes executioni dicti testamenti intendere velint, aut possint, idem magister Willelmus, cum duobus vel uno ipsorum, plenam habeat hæc omnia exequendi potestatem, et si quid residuum fuerit ulterius de bonis meis quam quæ superius sunt assignata, volo et potestatem do prædictis magistro Willelmo, Johanne de Merston, et Johanne de Catteloyne, ut ipsi, vel duo ipsorum, si de tertio humanitus contigerit, aut interesse noluerit, aut non possit, eandem inde habeant ordinandi potestatem, ad salutem

animæ meæ, quam ego ipse, si superstes essem, haberem, vel possem habere. Auxiliores autem, et consiliores, eis assigno, dominum Bathoniensem et Wellensem episcopum, dominum Johannem de Kirkeby, et specialiter magistrum Andream de Kirkenni, ut, ex speciali confidentia, ad eos, cum opus fuerit, valeant habere regressum. Inhibeo autem, in virtute Dei, ne aliqua ad hoc spectantia alicui viventi [mutuo] concedantur; sed, sub quanta fieri poterit maturitate, omnia, prout rei qualitas exposcit, provideantur et compleantur. Ad securitatem hujus rei plenioram, sigilla venerabilium patrum, domini R. archiepiscopi, et domini R. Batoniensis et Wellensis episcopi, atque discreti viri magistri Rogeri de Nogeriiis, domini papæ nuncii, una cum sigillo meo, præsentibus apponi procuravi.

Testes autem hujus rei sunt magister Andreus de Kirkenni, dominus Ranulphus vicarius de Grenewich, Willelmus Dodekyn, Rogerus Taylard, Robertus filius Nigelli, Andreus de Hotoft, Johannes de Kancia, et alii. Actum apud Merton vigesimo nono die Martii, Anno Domini 1275.

Ego magister G. de Sancto Leofardo, in signum probationis hujus testamenti, propria manu hic subscribo.

Confirmation of the foundation of Merton College by the
Archbishop of Canterbury, March 13th, 1275.

[From the Original in the College Archives—Kilner, p. 79.]

Omnibus Christi fidelibus ad quos præsentēs litteræ pervenerint : Frater R. miseratione divina, Cantuar. archiep. totius Angliæ primas, salutem in Domino sempiternam. Cum venerabilis frater noster, dominus W. de Merton, Roffensis episcopus, adhuc in minoribus agens, dum in celebris memoriæ domini H. illustris quondam regis Angliæ obsequio, cancellariæ fungeretur officio, domum, seu quendam locum venerabilem, quem Domum Scolarium de Merton censuit nuncupandum, in nostra provincia, apud Oxon. Lincoln. dioces. ubi viget studium generale, de novo fundaverit atque construxerit ; ac scolares nonnullos docibiles in artibus liberabilibus, Canone, et Theologia, studentes, necnon simul communiterque degentes, instituerit in eadem, ex quibus, divina favente gratia, copia doctorum haberi poterit, qui, velut stellæ in perpetuas eternitates mansuri, valeant ad justitiam plurimos erudire, domumque, seu locum venerabilem prædictum, terris, possessionibus, ac variis proventibus, ad ipsum jure hereditario, ac alias, personæ suæ spectantibus, in tantum dotaverit atque ditaverit, quod studentes inibi, in perpetuum congrue poterunt sustentari ; sitque nostri debitum officii, caritatis et pietatis opera comprobare ; præcipue quæ ecclesiæ Dei exaltationem respiciunt et honorem : Nos eandem foundationem et institutionem ratam et gratam habentes, ipsam approbamus, et tenore presentiam confirmamus ; eidemque, quatenus ad nos pertinet, stabilitatis et firmitatis perpetuæ robur plenissime impertimus. Dat. apud Otteford. xiiij^o die Martii, anno Domini M^o. CC^o. septuagesimo quinto.

Verses on Walter de Merton, 1277.

[From a Chronicle of Oseney, by Thomas Wyke, sub anno.]

Præsul Walterus Roffensis pontificali
 Culmine sincerus, virtute micans speciali,
 Qui de Mertona vulgari more vocatus,
 Cujus fama bona, gestus super omnia gratus,
 Fidus in alloquio, justus, sermone modestus,
 Cautus consilio, castus, socialis, honestus,
 Dilexit clerum, gratis tribuens alimentum :
 Pro quo Walterum benedicit turma studentum.
 Oxoniæ studium per eum quasi plantula vernat,
 Conferat auxilium sibi rex qui cuncta gubernat.

Note on the Statutes of Merton College, by Archbishop
 Sandcroft.

[From MS. Tanner, 339, fol. 67.]

The founder made these statutes and signed them A.D. 1274, and dyed Bp. of Rochester A.D. 1278. The King Edward I. added his Seale to the Founders for confirmation, Mense Augusti A.D. 1274. Bishop Peckham, by his Ordinance and Injunctions, interpreted the whole body of these Statuts, charging the Warden and Fellows, and their successors, inviolably to observe the said Statuts so interpreted, which Ordinance under his seale was made A.D. 1286, et anno Consecrationis suæ sexto; and remayns in the college amongst their evidences, and is also recorded in his Register, fol. 236. All this is againe confirmed by Archbishop Parker and four other Commissioners joynd with him, by an Injunction dated Eliz. 10, extant in Parker's Register, p. 269, provided, that all Statuts, and all Injunctions made since the Statuts, contrary to the word of God, the state of religion then established, or to the laws of the land should be utterly void.

W. C.

O A T H S

FOR

MERTON COLLEGE, OXFORD.

[From MS. Tanner, 339, badly transcribed. This valuable collection of documents was made by Archbishop Sandcroft.]

Juramenta quæ suscipiuntur ab admittendis in annum Probationis.

1. Imprimis tu jurabis quod non potes expendere annuatim ultra quinquaginta solidos.
2. Item tu jurabis quod damna domus non videbis, nec ejus secreta revelabis.
3. Item tu jurabis quod liber es et legitimus.
4. Item tu jurabis quod ex loco nativitatis tuæ tu es de tali diocesi.
5. Item tu jurabis quod si contingat te eligi in aliud Collegium, non transferetis ab isto loco absque custodis et seniorum licentia.
6. Juramentum regiæ majestatis adhibendum.

Juramenta quæ ab admittendis in socios suscipiuntur.

1. Imprimis tu jurabis quod in casu abjectionis tuæ ob tua forsā demerita, te omni actioni atque appellationi ac omni juris remedio nunc pro tunc expresse renunciabis.
2. Item tu jurabis quod quibuscunque injunctionibus, statutis et libertatibus nostris contrariis quantum in te est contradices, nec ullas injunctiones eis quovis repugnantes admittere debes.
3. Item ista statuta et alia facta et facienda per dominum custodem et seniores tu observabis in persona tua, sicut Deus te adjuvet et sancta Dei evangelia.

4. Item tu jurabis quod non incipies ante terminum quo per statuta Universitatis nostræ pro se determinator anni præsentis sine gratia, seu dispensatione, posset incipere; aut nunc pro tunc omne jus quod habes aut habebis ad collegium expresse renunciabis.
5. Item tu jurabis quod non visitabis, nec per te, nec per alium vel alios mediabis penes dominum custodem, pro tua licentiatione in facultate artium, ante completum terminum trium annorum post istum diem admissionis tuæ.
6. Quia ad sacros ordines quam plures graduati accessuri pro literarum imbecillitate in eorum examine rejiciuntur cum rubore, et quod dolendum est, ad infamiam, dedecus, et vilipendium Universitatis, et præcipue locorum et collegiorum in quibus hujusmodi graduati censentur incorporati; ideo ad extirpandam hujusmodi infamiam ab ista domo, Tu jurabis quod non accedes ad sacros ordines sine licentia domini custodis hujus domus ante completum terminum tuæ regentiæ in facultate artium.
7. Item tu jurabis quod orabis pro anima domini Thomæ Kemp nuper Londonensis episcopi, et magistri Johannis Martock quondam socii istius collegii.
8. Quia nonnulli sociorum istius collegii retroactis temporibus, sese in patriam extra Universitatem transferentes, acceptos secum varios collegii libros in non modicum ejusdem detrimentum alios alienarunt, alios perdiderunt, Statuimus et Ordinamus, ut de cætero nemo istius Collegii, cujuscunque status aut gradus fuerit, sub pœna perjurii contra facientem prosequenda, librum aliquem, vel aliquos, extra Universitatem et præcinctum ejusdem deferat, seu deferri faciat, aut deferenti consentiat, absque consensu custodis et seniorum quatuor præsentium, etc.

9. Item tu jurabis quod inter ista et cætera statuta fundatoris, tu observabis istud statutum: "Et cum præstante domino ad uberiores fortunam devenerit, domum istam in licitis et honestis promovere studebis, ac ejus defensione et eorum quæ ad eam pertinent, cum opus fuerit, diligenter insistes."

Juramenta Baccalaureorum licentiatorum ad incipiendum in Artibus.

1. Tu jurabis quod exercebis et frequentabis disputationes solennes in facultate artium faciendas, seu per Universitatem approbatas, durante temporis tuæ regentiæ, et quod per idem tempus exercebis et frequentabis disputationes tam logicas quam philosophicas in proprio collegio, paratus ad replicandum tuo cursu durante tempore tuæ regentiæ, et hujusmodi dissertationibus interesse debes personaliter tempore replicationum in hujusmodi disputationibus fiendarum, et si a dictis disputationibus vel aliqua earum te absentare contigerit, quod tunc infra triiduum immediate post hujusmodi absentiam factam, custodi, seu in ejus absentia vicem-gerenti, dictæ absentię causam allegabis, quam si custos, vel ejus vicem-gerens, censeat irrationabilem, eo facto a communiis dicti collegii per septimanam eris exclusus, seu viginti denarios pro communiis solvere compuleris, et hoc toties quoties ipsa causa sub prædicta forma reddatur irrationabilis, quæ tamen si rationabilis constabit, tunc a dicto juramento et pœna prætaxata existes immunis.
2. Item tu jurabis quod bis variabis in disputationibus Baccalaureorum, et hoc infra duos annos post diem inceptionis, et apud Augustinenses infra tres annos a die inceptionis tuæ, vel solemnizabis textum phi-

- losophiæ infra quatuor annos immediate dictam in-ceptionem sequentes, nisi tecum dispensatum fuerit.
3. Item tu jurabis quod leges ordinarias continue per biennium a festo Sancti Michaelis proximo post tuam inceptionem ita quod in secundo anno leges aut philosophiam aut metaphysicam legendo ad minus omni termino triginta ordinaria, si tot sunt dies legibiles, nisi tecum dispensatum fuerit.
 4. Item tu jurabis quod si contingat te non habere laudabilem depositionem in tua admissione, seu, quod absit! repulsus fueris, renuntiabis omni juri tuo quoad exhibitionem hujus domus, dicens nunc pro tunc, renuntio, et an tua depositio sit laudabilis, stabis iudicio custodis, vice-custodis, et sex seniorum.
 5. Item tu jurabis quod in singulis indumentis observabis formam tibi per custodem assignatum quamdiu steteris in collegio.
 6. Item tu jurabis quod antiquas regulas observabis sub pœna incumbente, et ut ab aliis observentur toto conamine laborabis, hæc omnia prædicta observabis, nisi tecum dispensatum fuerit, etc.

Juramentum Custodis.

Tu jurabis quod omnia ac singula nostra statuta et decreta per verbum Dei licita et pia, præsertim illa quæ custodis personam concernunt, servabis sicut Deus te adjuvet et per hoc sacrosanctum Dei verbum.

An Account of the Advowsons granted to Merton College.

[From Kilner's Account of Pythagoras's School, p. 87—91.]

I. Maldon.

Ordinatione vicariæ ecclesiæ de Maudon et capellæ de Chesendon, in com. Surriæ, et dioces. Winton. [dupl.] facta per Nicholaum [de Ely], Dei gratia Wynton. episcopum, et dat. apud Eshere, in crastino conversionis Sti Pauli apostoli. anno Domini M^o CC^o. septuagesimo nono. [from the originals, under seal.] Of the donation and approbation, the alienation and recovery of the Maldon estate and advowson, and of the college-lease to the vicar, as since granted, see *Kilner*, p. 63—65.

II. Farley.

Conventio inter custodem et scolares de Merton, et Bartholomeum vicarium de Farnleye, in com. Surriæ et dioces. Winton. dat. Oxon. in crastino Sti Hugonis, Lincoln. episcopi, anno Domini M^o CC^o. sexagesimo quinto. [from the original, under seal.] Of this church, as together given and appropriated to the college with that of Maldon, in 1264, and of this, as since become disappropriate, see *Kilner*, p. 63.

III. S. Joh. Bapt.

Carta domini Ricardi, Lincoln. episcopi, et sui capituli, de appropriatione ecclesiarum S. Johannis Baptistæ et S. Petri in Oriente Oxon. dioces. Lincoln. dat. Spaldewik. Idus Sept. anno Domini M^o CC^o. sexagesimo sexto. The more than ordinary provision for supply of this church of St. John depending on the great alteration made in it by its appropriation, as well for, as to, the college; the appropriation, as made under the college-constitution is to be looked back to: And there, in point of mode, it will be seen, that the

appropriation of this church, together with that of St. Peter, was by duplicate instruments of the then bishop of Lincoln (Richard de Gravesend), with assent of his chapter, in 1266. But besides these duplicates, or two exemplars of this appropriation by the said diocesan, with assent of W. his dean, and chapter, and therefore each sealed by both bishop and chapter, there are two of appropriation by the bishop singly, and which in other sort, and as in other of these instances, might have had the chapter's concurrence and confirmation, on *inspeximus* and recital, &c. under their seal, subsequently and separately. In point of fact, however, this church of St. John the Baptist, in consequence of this appropriation of it, becoming the college-church, and the college-ministers or chaplains its church's ministers or chaplains; and these, by the *alia sustentatione ministrorum altaris, in ipsa domo commorantium*, being otherwise provided for than as vicars in other churches: the tithes and oblations, or *reditus ecclesie*, as due to it from every house or hall in the parish, have, from the time of the church's belonging to the college, therewith belonged to the college likewise, as to be seen in the rentals and accounts of the college. The chaplains, however, besides the benefits and appointments they have from the college, as its chaplains, have their dues for marrying, and burying, &c. as personally, and particularly, and accustomedly, belonging to them.

IV. S. Pet. ad Orient.

Compositio vicariæ S. Petri in Oriente Oxon. dioces. Lincoln. dat. apud parcum Stowe, Non. Decembris, anno Domini M^o CC^o. nonagesimo quarto. [from the original, under seal.] This was by Oliver Sutton, who, [at Netelham, iiii. Non. Augusti,] in 1281, soon after his becoming bishop of Lincoln, had recognised and attested, by an exemplification under his seal, the aforesaid appropriation of

this church, (together with that of St. John,) as made to the college, *salva rationabili vicaria*, by his immediate predecessor, Richard de Gravesend, with consent of his chapter, in 1266. And now, on the church's becoming vacant in 1294, after the college were possessed of it, in virtue of his mandate of induction, [dat. apud Lydyngton, iiii°. Non. Novembr. A.D. MCCXCIV.] he, in the same year, on inspection of the registers of his predecessors, makes the here noticed composition agreeably to what the former vicars in this church, as presented to the bishops by the late rectors, to whom it had been appropriated, were before entitled. Vide Registr. in cista Œconom. pp. 23, 24, 31. et Registr. Coll. Mert. fol. 20 b. And to this may be added, that rectory and vicarage as this church heretofore may have been, it is now supplied as a curacy, by a curate from the college, and of the college-appointment; and as, distinctly from this church and from one another, each of its more or less dependencies, the churches of Holywell and Wolvercot, is likewise now supplied.

V. Wolford.

Ordinatio vicariæ ecclesiæ de Wolwarde, in com. Warvicens. et dioces. Wigornien. facta per Thomam Cobham, Wigorn. Episcopum, anno Domini M°. CCC°. vicesimo secundo: [from the original, under seal] and thus concluded, ‘ si qua autem substantialia, in præsentí ordinatione nostra, forsitan sint omissa, potestatem legitimam ea corrigendi, mutandi, addendi, et minuendi, cum deliberatione majori, et obtulerit se facultas, nobis et successoribus nostris, tenore præsentium reservantes. dat. apud Hertlebur. iii. Idus Decembris, anno Domini,’ ut supra. The appropriation of the church of Wolford, (*cum capellis, &c.*) in the county of Warwick, and diocese of Worcester, was by grant to the college in 1268, of Godfrey Giffard, the then bishop, with confirma-

tion, &c. on inspeximus by Ric. his prior, and chapter; and was followed by the endowment of a vicarage of 10*l.* per annum, by the bishop in the same year. But the rectory and vicarage being united in 1279, a new appropriation of it (*with its chapels, &c. as before*), under licence of the king, 5 Edwardi fil. Edwardi, for appropriating it una cum capella de Burmington,* eidem ecclesiæ annexa, particularized therein, though not in the appropriations, was obtained of Thomas Cobham, the diocesan, (frater Wlstanus, his prior, and chapter, by inspeximus, ratifying and confirming it) with induction of the college, under his mandate, and this endowment of a vicarage by him, all in the year 1322. In, and from, the year 1628, one yard of glebe land has, by the occasionally repeated orders of the college, been leased to the vicars: and, by order of the college in 1768, two hundred pounds were paid to the trustees of queen Ann's bounty for one augmentation of this vicarage.

VI. Elham.

Carta domini archiepiscopi, de Eleham, in com. et dioces. Cant. dat. apud Lameth. kl. Maii anno Domini M^o CC^o. LX^o. octavo. This is archbishop Boniface's grant of appropriation of it to the college, "*salva rationabili vicaria triginta marcarum, per nos ordinanda in eadem.*" Of which,

* The following extract from the ancient college register, relative to the origin of this chapel of Burmington, is curious:—

"Mem. quod, 11^o. die Februarii, a^o. r. r. Edwardi quarto, in quadam inquisitione facta coram escheator. dni regis apud Burmynton, compertum est per jur. super sacramentum, quod capella de Burmynton est, et fuit, annexa ecclesiæ parochiali de Wulforde, Wygorn. dioc. a tempore ejus non exstat memoria. Et quod dicta capella fuit constructa per quendam dominum villæ de Burmynton, ejus nomen ignoratur. Qui quidem dominus adivit curiam Romanam, ad impetrandum constructionem capellæ predictæ; ad evitandum periculum quod acidebat in delatione corporum mortuorum funerandorum ultra quandam aquam currentem inter Wulforde et Burmynton: salvo semper jure matricis ecclesiæ de Wulforde. Et ante constructionem capellæ predictæ, villa de Burmynton fuit de parochia de Wulforde, et adhuc est."

and of the foregoing grant of the advowson by prince Edward, referred to therein as inducing it; and of the *realis compositio* * *per Will. Warham, Cant. archiepiscopum*, facta 25^o Junii, 1532; and of the college leases of the vicarial tithes, as copied in their ledgers, see *Kilner*, pp. 68, 89, 70. There is a distinct confirmation of this appropriation, obtained, about a month after it, of A. the prior, and chapter, [et est dupl.] under such fine impressions of the third common seal of this church of Cant. as the engraving of it, in *Vetusta Monumenta*, vol. ii. plate XIX. might have been rendered more perfect by. It has on its reverse, as have the impressions of the seals, in the college-treasury, of these three archbishops in succession, viz. St. Edmund, Boniface, and Kilwarby, a representation of the assassination of Thomas à Becket, with various monkish verses in address to him as their saint, and martyr.

VII. Ponteland.

Ordinatio vicariæ de Ponteland, in com. Northumbriæ, et dioces. Dunelm. facta per Antonium Beck, episcopum Dunelm. et dat. apud castrum Bernardi, XXI. die mensis Augusti, anno Domini Millesimo CCC^o. tertio. [from the original, under a seal of the bishop seated.] The advowson of this church, with the prebends thereof,† was no sooner

* By this composition (as well as before it) the vicar, in addition to his thirty marks per annum, had other advantages and accommodations of house, &c. as there specified, and properly, and personally, appertaining to a resident and officiating minister: but still he had no part of the old vicarial tithes, &c. as had by the *old vicars*, or vicars under the *old* appropriation, and by the college called the vicarage; and by them demised to the *new vicars*, as their vicars or curates of their vicarage so demised under this last appropriation. In *Bernard's Catal. Man. Angl.*, p. 126, mention is made of a copy of this "*realis compositio*" as being in the Yelverton collection, which are now in Lord Calthorpe's possession, according to a MS. note in the Bodleian copy of Bernard. Sir Thomas Phillipps possesses a manuscript catalogue of this collection more complete than Bernard's.

† This church of Ponteland, before the appropriation of it, was served by

given, and the church, with its rectory, and portions, commonly called prebends, united and consolidated, &c., appropriated to the college, in 1268, than disputes arose, which prevented the endowment of the vicarage by the said bishop, till 1303. Of the appropriation by bishop Stichel, in 1268, there is one pair of duplicates, of somewhat earlier date, and less perfect form, by the bishop alone, and sealed only by him; and another pair, of other date, and more perfect form, by him alone likewise; and another pair of the same date and form as the last, by him, with the concurrence and seal of Hugh the prior, and convent, added; and then, lastly, duplicates of another pair, of separate confirmation of his sole and better act, as above, by the said prior and convent, by inspeximus and recital, under the common seal of their church: All of these being early dated in the year 1268.

VIII. Gamlingay.

Ordinatio vicariæ de Gamelingeje, in com. Cantabrigiæ, et dioces. Eliens. facta per Willielmum de Luda, episcopum

three portionists, till one of them was made rector, about the year 1240; the other two being made or continued prebendaries of certain parts, portions, or districts of this very large parish. And in this state of this benefice, the founder made it part of his added endowment to his college, as by his second general charter of 1270, in these words, “una cum advoc. eccle. de Puntelond, Dunelm: dioc. et portionum suarum,” and in this state it was thus rated in pope Nicholas’s valor:

Ecclesia de Pounteland [rectoria de, <i>MS. Tanner</i>]	XXX.l.	XII. d.
Prebenda domini Karoli de Bellomonte in eadem.	XXII.l.	
Prebenda.....Philippi de Wyleby in eadem.	XX.l. X. s.	

from which, bishop Tanner has given Ponteland a place in his *Notitia Monastica*, p. 396. saying, “This church seems to have been collegiate, for in the Lincoln taxation, made about A. D. 1291, it is thus put down:” viz. as above. But the truth of the matter, as clear from the college evidences, is, as here reported.....the rector and prebendaries, having the care and profit of the church as above, amongst them, till after appropriation and endowment of the vicarage in 1303; at which time the college and their vicar succeeded to the whole, and as one whole, in their stead.

Eliensem, et dat. apud Dodington, decimo kalend. Augusti, anno Domini M°. CC°. nonagesimo secundo. [From the original, under seal.] The lordship of Gamlingay was in time past divided into two moieties or manors, each with a moiety of the church belonging to it: and as each manor had a lord, so each moiety of the church had a rector of his nominating and presenting. But then, one only of these manors and moieties coming to the college by its founder, the other, as well moiety of the church, as manor, was subsequently acquired by it. This endowment, therefore, and the appropriation it proceeded on, was only of the first of these moieties. The bishop, however, upon what has succeeded, has long collated to the entire vicarage, as one benefice. The appropriation as above was by Hugh de Balsham, the diocesan, in 1268; and made by him to this college of scholars, as then some years become a college, capacitated by incorporation: and he saw it so complete and accomplished, and entirely Oxonian, at, and long before, the time of his scholar-establishments in Cambridge, in 1280, and 1284, as to make him desire, that, as far as their inferiority would admit of it, they might be regulated as this was. To his grant of the appropriation, as above, (one only of the duplicates now being found,) is a very perfect impression of his seal: and to the confirmation on inspeximus, by Robert, the prior, and convent of the church of Ely, a still fairer one of the very fine seal of their church, with this inscription, in small capital letters, round the edge of it,—PETRUS : ET : EL-DREDA : MOLLIS : SUB : TEGMINE : CERE : ELY : S : ECRETA : CELARE : SIMVL : STATVERE : and which is not in the print of it in the *Vetusta Monumenta*, vol. i. N°. 5.

IX. Dodington.

Ordinatio, sive compositio, pro vicaria de Dodinton, in com-Huntingdon. et dioces. Lincoln. facta per Ricardum de Gravesend, episcopum Lincolnensem, et dat. apud Lidinton iiii. Non. Februarii, pontificatus nostri anno XXI. [circ. 1278.] And of this endowment there is an exemplification from his register, under the seal of Henry Burwesh, bishop of Lincoln. dat. apud Wodestoke, XVII kl. Junii, anno Domini millesimo. CCC^o. tricesimo. The church of Dodington, in the county of Huntingdon, and diocese of Lincoln, together with that of Horsepath, in the county of Oxford, and same diocese of Lincoln, was appropriated to the college in 1268, by Richard de Gravesend, the then bishop of Lincoln, and, as by consent, &c. of his chapter, the deeds of appropriation have some of them as well the seal of the chapter, as of the bishop. And of this act of the bishop and chapter, dat. apud Stowe, V. Idus Martii, anno gratiæ millesimo ducentesimo sexagesimo octavo, there is an attestation on inspeximus, under the seal of the next succeeding bishop, Oliver Sutton, dat. apud Netelham, quarto Non. Augusti, anno millesimo ducentesimo octogesimo primo.

X. Horsepath.

Of the church of Horsepath, in the county of Oxford, and diocese of Lincoln, though given, as before noticed, and, as here, with Dodington, appropriated, no endowment has been met with; and from the not finding any thing thereof, or any presentation of any vicar by the college, they seem to have been very early dispossessed of the whole benefit of these grants. But to preserve the memory of the good intent of the donation, the entire grant of the advowson, by such a friend of the founder and of his college, as this king of the Romans, shall here follow. “ Ricardus, Dei gratia,

Romanorum rex semper augustus, omnibus Christi fidelibus, ad quos præsens scriptum pervenerit, salutem et omne bonum. Cum dilectus nobis, W. de Merton, illustris domini H. regis Angliæ, fratris nostri karissimi, quondam cancellarius, domum, quæ Scolarium de Merton nuncupatur, ad perpetuum sustentationem scolarium in scolis degentium, stabiliendam duxerit et fundandam : Nos fructum attendentes quem ex hoc, in cultu Christiano, speramus et credimus profuturum, ecclesiam de Horsepath, juxta Oxoniam, dictæ Domui et scholaribus prædictis, intuitu Dei, quantum ad patronum pertinet, damus et concedimus eorum usibus propriis, de nostro patronatu, perpetuo possidendam. Quare volumus et concedimus, pro nobis et hæredibus nostris, quantum ad patronum pertinet, ut dicti scolares, ecclesiam prædictam suis propriis usibus, de nostro patronatu, ad suam sustentationem habeant et possideant in perpetuum. In cujus rei testimonium, huic scripto sigillum nostrum duximus apponendum. Hiis testibus, venerabil. patre R. dei gra. Covent. et Lichefeld. episcopo, nepote nostro R. de Esthall, archidiacono Wygorn. Magistro Ada de Belsted, clerico nostro, et aliis, dat. apud Isteluuorth. XXVI. die Julii, regni nostri anno duodecimo." [52 Hen. III. 1268.] sealed, as his other grants, with his great seal impressed on red wax.

XI. Stratton.

Appropriatio facta domui scolarium de Merton, per [Walterum de la Wile] episcopum, et capitulum Sarr. super ecclesiam de Stratton. in com. Wilt. et dioc. Sarr. dat. in capitulo nostro Sarr. sexto kl. Octobris, anno gratiæ millesimo ducentesimo septuagesimo. [et est duplicata, and each sealed by both. An old copy on parchment is endorsed *Copia appropriationis ecclesiæ de Stratton Stæ. Margaretæ, cum pensione vicariæ.*] And soon after, in the same

year, it was followed by *Carta confirmationis domini regis super advocatione ecclesiæ de Stratton*. This confirmation, under the king's seal, is dat. per manum nostram, apud Winton. 20. Dec. 55. Henr. III. [1270]. And as the honoured founder was the rector of this church, at the time he procured the advowson, appropriation, and confirmation for his college; to add to the favour, he then and thereupon immediately resigned, and divested himself of his own more immediate concern in it: Possession of this church, as of each of the others not vacant at the time of its appropriation, being to be had by the body it was appropriated to, *quandocumque eam vacare contigerit*, and *quamprimum vacaverit*. And of this appropriation it is observable, that as it took place after that of Elham, so it is more like it than any that preceded it, not only in its being made with the saving of a vicarage of the certain stated, though lesser value, of ten marks per ann. instead, as is the usual form, of only a competent one by the diocesan to be ordained; but in its being likewise made with similar reservation to the diocesans for their nominating the vicars. And to the college, as thus having only the presentation of the vicars, on other than their own nomination, no other endowment, than in the appropriation, appears to have been transmitted. Of 200*l.* laid out in land by Sir W. Hedges, for benefiting the vicars, see bishop Kennet's Case of Improvements, p. 324.

XII. Emildon.

Charta Ludovici, [Beaumont] *episcopi Dunelm. de appropriatione rectoriæ de Emildon*, [in com. Northumbriæ, et Dioc. Dunelm.] *et constitutione ricariæ ibidem*. dat. apud Brantyngham, nono die Martii, anno Domini M^o. CCC^o. tricesimo primo; 6 Edw. III. [from the original, under seal.] It proceeded on a commission from pope John XXII.

as therein recited, for authorizing the said appropriation and endowment, hitherto deferred on accounts as to be seen in *Kilner*, p. 80. They both were in consequence of the grant of the advowson of this church, with its chapels, and there, and before, mentioned to have been made to the college by Edmund, the younger son of king Henry III. who was the first earl of Lancaster. His grant of advowson was in form as follows:—*Edmundus illustris domini H. regis Angliæ filius: Omnibus præsens scriptum visuris, vel audituris, salutem. Sciatis nos, intuitu Dei, et pro salute animæ nostræ, et animæ dicti Domini regis, patris nostri, et omnium antecessorum et hæredum nostrorum, dedisse, concessisse, et hac carta nostra confirmasse, Deo, et Domui Scolariū de Merton, et scholaribus et fratribus ejusdem domus, advocacionem ecclesiæ de Emildon, et capell. &c. in comitatu Northumbr. habend. et tenend. dictis scholaribus et fratribus, bene et in pace, in liberam et puram eleemosynam, &c. and with full allowance of their being appropriated to them, or, propriis usibus eorundem scholarium et fratrum concedi, ad sustentationem suam et ampliacionem numeri eorum, &c. sealed with his seal, as in Sandford, p. 102. having the bodies of three lions centering in one head. Hiis testibus (nine by name), et aliis, dat. apud Wyndes. vicesimo quarto die Februarii, anno regni domini Edwardi regis germani nostri tertio. [1274-5.] By the above endowment, the vicar was to provide for the supply of the two chapels of Rock and Rennington, as belonging to the vicarage: but, by the assiduity and perseverance of Mr. Archdeacon Sharp, ann. 1766, and 1768, and concurrence of the college with his good and beneficial proposals, each of them was augmented and endowed with 1000*l.*, and both made distinct cures, apart from the church and one another, but both under one and the same curate or chaplain, to be nominated by the vicar for the time being, at every vacancy: the vicar here-*

upon giving up the chapel yards, the surplice fees of the said districts, and some cottages and ground for the site of a house for the chaplain to be forthwith by him builded thereupon. And of all which there is much good and creditable information within the college.

The Pope's Bull confirming the foundation of Merton
College, April 12th, 1280.

[From the Original in the College Archives—Kilner, p. 79.]

Nicolaus [III.] episcopus, servus servorum Dei, dilectis filiis, custodi, scolaribus, et fratribus Domus Scolarum de Merton, Lincoln. dioc., salutem et apostolicam benedictionem. Cum a nobis petitur quod justum est et honestum, tam vigor equitatis, quam ordo exigit rationis, ut id, per sollicitudinem officii nostri, ad debitum perducatur effectum. Exhibita siquidem nobis vestra petitio continebat, quod quondam Walterus de Merton, clericus, pia meditatione revolvens, et ardenti desiderio affectans aliquid obsequium præstare Domino, quod foret ipsi Domino acceptabile, ac universali ecclesiæ fructuosum, et attendens, &c. quod per viros litterarum scientia redimitos, fides catholica robur suscipit, et ecclesia ipsa multipliciter decoratur; in villa Oxon. ubi solempniter viget studium generale, de consensu, tam bonæ memoriæ R. episcopi Portuen. tunc archiepiscopi Cant. metropolitani, et episcopi Lincoln. diocesani loci, quam carissimi in Christo filii nostri E. regis Angliæ illustris, prædictam domum, in qua degitis, in solo proprio, fundavit, &c. And then after more of the foundation, and with confirmation of it, he concludes, as in other instances: Nulli igitur omnino hominum liceat hanc paginam nostræ confirmationis infringere. Si quis autem hoc attemptare præsumpserit, indignationem omnipotentis Dei, et beatorum

Petri et Pauli, se noverit incursum. Dat. Romæ, apud Stm Petri, ii. idus Aprilis, pont. nostri anno tertio.

Letter from Edward III. to the Pope, on behalf of
Merton College, Dec. 11th, 1331.

Ad Papam, pro Collegio de Merton.

Pp̄e Rex, &c. Collegium dilectorum nobis in Christo scolarium domus de Merton, in universitate Oxon. ut esset ecclesiæ militantis, et doctrinæ salutaris, promptuarium, ex pia consideratione fundatoris, et inspirante Deo, ut credimus, ad dandum scientiam salutis plebi ejus, salubriter institutum; a quo educti sunt haecenus viri perfecti, quorum doctrina longe lateque ecclesiam pervenit spiritualis gratiæ multiformis; quibus poterimus sinceris affectibus recommendamus vestræ sanctitati, suppliciter exorantes, quatenus ipsorum petitionibus, Dei honorem, et ecclesiæ decorem, concernentibus, elementæ vestræ porrigendis, Apostolica sollicitudo universarum ecclesiarum semper intenta, paternis, si placet, visceribus, condescendat. Cons. &c.

Dialogue between King Henry III. and three Fellows of
Merton College, requesting permission to make a gate.

[From MS. Hargrave, 132, in the British Museum. This singular document occurs among a variety of law papers of the seventeenth century.]

Dialogus inter Henricum Tertium, regem Angliæ, &c., serenissimum, et A. B. C., socios Collegii Mertonensis in Academia Oxoniensi, de porta quadam nunc vulgariter vocata "the meadow gate" de novo fabricanda.

A. Salve, Domine Rex!

Rex. Salvete vos. Qui estis?

A. Sumus de magistris vestris.

Rex. De magistris nostris? Quomodo?

A. Si quæras de materia in qua, sumus de magistris vestris in domo Congregationis et Convocationis; si de materia circa quam, circa gratias concessas et concedendas.

Rex. Quid vultis?

A. Volumus in muro quodam, qui nos valde inclusive tenet, ostium fieri.

B. Nolumus ostium fieri, nam tum erit in hoc fieri et in illo fieri, et sic nunquam erit in facto esse. Sed volumus ostium factum esse.

C. Nolumus ostium factum esse, nam si factum sit, est jam in rerum natura, et ita habebimus alienum ostium, et sic injuriabimus proximo.

Rex. Video vos non posse inter vos consentire de petitione vestra. Volo ut redeatis infra triduum et afferatis aliquid certi.

Hoc tempore elapso, hii tres socii redierunt, et, habita prius matura deliberatione, unanimiter petierunt ostium fieri in facto esse.

